

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JACK A MILLS
Claimant

APPEAL NO: 15A-UI-06733-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SAC & FOX TRIBE
MESKWAKI BINGO CASINO & HOTEL**
Employer

**OC: 05/17/15
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Jack A. Mills (claimant) appealed a representative's June 1, 2015 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Sac & Fox Tribe / Meskwaki Bingo Casino & Hotel (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 24, 2015. The claimant participated in the hearing. Lucie Roberts appeared on the employer's behalf and presented testimony from two other witnesses, Brian Ehrig and Patty Balk. During the hearing, Employer's Exhibit One was entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on November 27, 2012. He worked full time as a food and beverage supervisor on a second shift. His last day was April 1. He turned in a resignation on April 10, 2015, citing "medical reasons."

The claimant had suffered a heart attack on or about March 16 and then had been absent for about seven days before being able to return to work. However, then he began to have issues with anxiety and again was unable to report to work. He then had a lack of income, causing him to have a lack of adequate child care, triggering his decision to quit and ultimately a decision to move out of state. There was no showing that the medical issues were work-related.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, in general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving employment in order to move to another locality is not good cause attributable to the employer. Rule 871 IAC 24.25(2). Leaving due to a lack of adequate childcare is not good cause attributable to the employer. Rule 871 IAC 24.25(17). Quitting due to health issues that are not caused or aggravated by the employment and without the advice to do so by a medical practitioner is not good cause attributable to the employer. Rule 871 IAC 24.25(35). While the claimant may have had good personal or family reasons for quitting, he has not satisfied his burden to show a reason attributable to the employer. Rule 871 IAC 24.25(20), (23). Benefits are denied.

DECISION:

The representative's June 1, 2015 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of April 10, 2015, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs