

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A FLODEL

Claimant

APPEAL NO: 11A-UI-05015-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SHAWN JEPSON PAINTING &
SANDBLASTING**

Employer

OC: 01/23/11

Claimant: Appellant (5)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 7, 2011, reference 09, that held he was discharged for misconduct on January 28, 2011, and benefits are denied. A telephone hearing was held on May 10, 2011. The claimant did not participate. Shawn Jepson, Owner, participated for the employer. Employer Exhibits 1 and 2 was received as evidence.

ISSUE:

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began employment as a full-time painter/sandblaster on October 1, 2010, and last worked for the employer on January 28, 2011. The claimant was required to have a valid driver's license as a condition of employment and he was requested to provide proof to the employer auto insurance provider.

After providing a license number, an Iowa MVR check showed it belonged to another named person. After claimant stalled the employer with erroneous information, the employer ran a criminal background check and learned claimant had an extensive criminal record. The record showed claimant's driver's license was suspended and that he owed more than \$1,400.00 in traffic fines. When the employer confronted claimant, he chose to quit his job.

The claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(28) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(28) The claimant left after being reprimanded.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to the employer on January 28, 2011, after being reprimanded for not have a valid driver's license.

The claimant knew he did not have a valid driver's license when he began work, and he knew it was a condition of employment. He stalled the employer and its insurance provider on providing proof when requested to do so, until he provided a DL number that was issue to someone else. He continued his charade with a false excuse knowing his license had suspended until the employer confirmed it with a background check. When confronted with the truth, the claimant quit.

DECISION:

The department decision dated April 7, 2011, reference 09, is modified. The claimant voluntarily quit without good cause on January 28, 2011. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css