

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWARD A KNOEBEL
Claimant

APPEAL NO. 11A-UI-02062-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALL CAR TRANSMISSION CENTER INC
Employer

**OC: 11/07/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Edward Knoebel filed an appeal from a representative's decision dated February 14, 2011, reference 01, which denied benefits based on his separation from All Car Transmission Center, Inc. (All Car). After due notice was issued, a hearing was held by telephone on March 14, 2011. Mr. Knoebel participated personally and was represented by Michael McEnroe, Attorney at Law. The employer participated by Cindy East, Owner.

ISSUE:

At issue in this matter is whether Mr. Knoebel was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Knoebel began working for All Car on December 27, 1999. He was a full-time mechanic. His last day of work was November 4, 2010. He was then off work on his doctor's advice due to an injury to his scrotum. Although the injury occurred at the workplace, it was after hours while Mr. Knoebel was performing personal work. He was released by his doctor on November 15 to perform light-duty work effective November 22, 2010.

Mr. Knoebel did not return to work on November 22. He met with the owner on November 23, at which time he indicated he wanted a raise, additional vacation time, and a retirement plan. The employer had spoken to him earlier in the year and indicated that he could receive a raise but that he would have to become an hourly employee. The employer reiterated this on November 23. The employer also advised him that there would be no increase in his vacation time and that there would be no retirement plan. Mr. Knoebel told the employer that he had other job offers and would get back to her with a decision as to whether he would be returning to All Car. All Car was willing to provide him with light-duty work consistent with his doctor's recommendations.

Mr. Knoebel removed his personal possessions from the workplace on November 19. Prior to November 23, he removed some of the personal vehicles he had at the workplace. The

remainder of the personal vehicles was removed on or about November 27. The employer held his job open until January 17, 2011. There was no contact between the parties from November 23 through January 17. Continued work would have been available if Mr. Knoebel had returned to work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Mr. Knoebel voluntarily quit his employment with All Car. This conclusion is based, in part, on the fact that he removed his personal items from the workplace on November 19, the Friday before the Monday he was to return to work. He contended that he removed the items to prevent them from being discarded by others. However, the items had been at the workplace and undisturbed since his last day of work on November 4. He removed the personal items before speaking with the employer about what light-duty work would be made available. One would have to question why he removed personal items on Friday if he planned to return to work the following Monday.

The conclusion that Mr. Knoebel quit is also based on the fact that, according to his own testimony, he did not report to work until approximately noon on November 22. If he had planned to return to work based on the doctor's release, one would have to question why he did not report for work at his usual 9:00 a.m. start time on November 22. For the reasons stated above, the separation is considered a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

All Car was prepared to provide Mr. Knoebel with light-duty work as of November 22. Because the injury that took him off work was not work-related, the employer was not obligated to provide him with work with only a partial release. See Hedges v. Iowa Department of Job Service, 368 N.W.2d 862 (Iowa App. 1985). It appears that Mr. Knoebel made the decision to leave the employment before finding out what light-duty work the employer would make available. The fact that he removed his personal items before November 22 and the fact that he did not report for work at his usual time on November 22 establishes that he had decided to quit prior to speaking with the employer on either November 22 or 23.

The evidence of record does not establish any good cause attributable to the employer for Mr. Knoebel's quit. He did not tell the employer he was quitting because it discontinued its short-term disability policy. Nor did he tell the employer he was quitting because arrangements had not been made for him to receive medical care for injuries he believed to be work-related. Therefore, he deprived the employer of the opportunity to take corrective action and possibly salvage the employment relationship. Because he never returned to work after being released by his doctor, the administrative law judge cannot conclude that the employer required him to perform duties outside of his restrictions.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Knoebel voluntarily quit his employment with All Car for no good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated February 14, 2011, reference 01, is hereby affirmed. Mr. Knoebel quit his employment without good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw