

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ZACHARY ZAHN**  
Claimant

**APPEAL NO: 13A-UI-05645-S**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GAZETTE COMMUNICATIONS INC**  
Employer

**OC: 04/14/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(35) – Non-Job Related Illness or Injury  
871 IAC 24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated May 2, 2013, reference 01, that held he voluntarily quit employment without good cause on March 23, 2013, and benefits are denied. A hearing was held in Cedar Rapids, Iowa on August 12, 2013. The claimant did not participate. The employer offered Exhibits 1 – 4 in lieu of personal participation.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on July 16, 2007, and last worked for the employer as a full-time creative video editor on March 23, 2013. Claimant submitted a written resignation to the employer on March 23: “Do to health reasons and the way I have been treated over the last year I am officially resigning my position at KCRGTV/Fusionfarm/Source media.” The employer accepted the resignation.

The claimant failed to appear for the hearing. The employer submitted documents.

**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(35) 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:

(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- (a) Obtain the advice of a licensed and practicing physician;
- (b) Obtain certification of release for work from a licensed and practicing physician;
- (c) Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- (d) Fully recover so that the claimant could perform all of the duties of the job.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on March 23, 2013 due to resignation.

While claimant might have had good personal reasons for quitting, no good cause attributable to the employer is established.

**DECISION:**

The department decision dated May 2, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on March 23, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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