

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS GREEN
Claimant

APPEAL NO: 07A-UI-02316-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASSOCIATED PIPELINE
Employer

**OC: 01/28/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Dennis Green (claimant) appealed an unemployment insurance decision dated February 27, 2007, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Associated Pipeline (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 21, 2007. The claimant participated in the hearing. The employer participated through Sandy Hassell. 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:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time operator from October 28, 2006 through January 8, 2007 when he voluntarily quit for personal reasons. The employer understood the claimant had to return to Iowa to finalize his divorce and protested the initial claim based on the claimant's voluntary quit. The claimant's crew was laid off at a later time but were working when the claimant left.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

Although he now contends he was laid off work, the evidence indicates he quit. In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an

overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by leaving the work site and returning to Iowa. The employer reported the claimant quit and returned to Iowa to finalize his divorce and the fact-finder reported the claimant said, "I had to come back to Iowa and go to court. I called them a few weeks later when I got done in Divorce court and they was done on there (sic) job site." The claimant denies making those statements but the information is too specific for the fact-finder to have come up with it without the claimant's input. The preponderance of the evidence confirms there was work at the time the claimant left to return to Iowa and he quit for personal reasons.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code section 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated February 27, 2007, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs