

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

PATRICK L MORONEY
2714 VINCENT AVE
MASONVILLE IA 50654

GARY D HEINS TRUCKING INC
218 W 4TH ST
VINTON IA 52349

Appeal Number: 05A-UI-00291-SWT
OC: 12/05/04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 29, 2004, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 24, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Chad Staton participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked as a truck driver for the employer from August 2003 to November 14, 2004. He voluntarily quit employment on November 14, 2004, to prepare to take the examination necessary to get his securities license, which he needed in order to work for Farm Bureau Insurance. He began working for Farm Bureau Insurance on February 1, 2004. He was considered an independent contractor while working for Farm Bureau Insurance.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant quit for reasons not attributable to the employer. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured employment equal to ten times his weekly benefit amount, provided he is otherwise eligible. The compensation paid by Farm Bureau Insurance was not reported as insured wages and unless and until the wages are determined to be from employment covered by the unemployment insurance law, they cannot be used to lift the disqualification.

DECISION:

The unemployment insurance decision dated December 29, 2004, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/b