

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY K SILBAUGH**  
Claimant

**APPEAL NO: 13A-UI-14100-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORSEMAN TRUCKING INC**  
**GARY CUNNINGHAM**  
Employer

**OC: 12/01/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Timothy Silbaugh (claimant) appealed an unemployment insurance decision dated December 19, 2013, reference 02, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Norseman Trucking, Inc. (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 January 15, 2014. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through Stephanie Steffens, Director of Operations. Employer's Exhibits One and Two were admitted into evidence.

**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 part-time driver from May 20, 2009 through May 13, 2013 when he resigned. He did not advise the employer as to why he was quitting his employment. The claimant's appeal letter indicates he quit due to a work-related injury but the employer testified there is no record of a work-related injury.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant voluntarily quit without notice on May 13, 2013 when he submitted his written resignation. It is his burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant failed to participate in the hearing and there is no evidence establishing he quit his employment with good cause attributable to the employer. Benefits are denied.

Sometimes an individual who quits part-time employment without good cause can be monetarily eligible to receive unemployment insurance benefits based on wages paid by other base-period employers. See 871 IAC 24.27. However, this code section does not apply to the claimant since he only has wages from the employer herein.

**DECISION:**

The unemployment insurance decision dated December 19, 2013, reference 02, 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.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs