

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOHN D HANNAN
Claimant

APPEAL NO. 18A-UI-02287-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRANS IOWA CHARTERS LLC
Employer

OC: 01/21/18
Claimant: Appellant (1)

871 IA C26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

John Hannan, the claimant, filed an appeal from an unemployment insurance decision dated February 9, 2018, reference 01, which denied unemployment insurance benefits, finding that the claimant voluntarily quit work on August 11, 2017, to become self-employed. After due notice was provided, a telephone hearing was scheduled for 11:00 a.m. on March 15, 2018. Although duly notified, the appellant failed to respond to the hearing notice to register a telephone number where he could be reached for the hearing or request postponement of the hearing. The claimant submitted a written statement in lieu of appearance. The employer participated by witnesses Ms. Carolyn Knittle, Controller and Mr. Brad Clements, Business Manager. Based upon the appellant's statement in lieu of appearance, the record, the administrative file and the law, the administrative law judge enters the findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the fact-finders unemployment insurance decision that the claimant voluntarily quit to become self-employed should be affirmed, based upon the record, the administrative file and the appellant's statement in lieu of appearance.

FINDINGS OF FACT:

Both of the parties were notified of the scheduled hearing on this appeal. The claimant/appellant although duly notified, failed to register a telephone number at which he could be reached for the hearing and did not request a postponement of the hearing as required by the hearing notice. A written statement provided by the claimant was considered in lieu of the claimant's personal appearance. The employer participated by Ms. Carolyn Knittle, Controller and Mr. Brad Clements, Business Manager.

The administrative law judge has conducted a careful review on the record, considered the claimant's statement and the administrative file to determine whether the unemployment insurance decision is correct.

The claimant's reason for leaving his employment with this employer was his desire to establish his own diesel repair business and become self-employed. This was his stated reason for

leaving and Mr. Hannan, in his job position, had not been required to falsify or otherwise improperly document services that were performed on company equipment. The claimant had not been instructed to falsify any documentation while employed by the company. He was not authorized to do so, and had not informed the employer of any issues of this nature before leaving employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(19) 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:

(19) The claimant left to enter self-employment.

The administrative law judge has carefully reviewed the evidence in the record and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed. The preponderance of the evidence establishes that Mr. Hannan left employment to become self-employed. Work continued to be available to the claimant when he left. The claimant's reason for leaving is not attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated February 9, 2018, reference 01, is affirmed. The representative's decision remains in effect. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

Terry Nice
Administrative Law Judge

Decision Dated and Mailed