

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE E ROSE
Claimant

APPEAL NO. 07A-UI-10841-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INC
Employer

OC: 10/07/07 R: 12
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

CRST, Inc. (employer) appealed a representative's November 16, 2007 decision (reference 01) that concluded Joyce E. Rose (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 10, 2007. The claimant responded to the hearing, but was not available for the hearing. A message was left for the claimant to contact the Appeals Section immediately. The claimant did not contact the Appeals Section. Sandy Matt and Mike Herzberger, a fleet manager, appeared on the employer's behalf. Based on the evidence, the employer of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on October 26, 2006. The claimant worked as a full-time over-the-road driver. During her employment, the claimant did not make the employer aware of any problems.

On September 23, 2007, the claimant quit working for the employer. The claimant did not give the employer any notice or reason for quitting. The claimant's co-driver understood the claimant quit because she had childcare issues she had to resolve and she wanted to drive with her boyfriend, who worked for another company.

The claimant established a claim for unemployment insurance benefits during the week of October 7, 2007. She filed claims for the weeks ending October 13 through December 1, 2007. The claimant received her maximum weekly benefit amount of \$219.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons qualifying her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant may have had compelling personal reasons for quitting. Since the claimant did not inform the employer about any problems, the facts do not establish that the claimant quit for reasons that qualify her to receive unemployment insurance benefits. As of October 7, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending October 13 through December 1, 2007. The claimant has been overpaid \$1,752.00 in benefits she received for these weeks.

DECISION:

The representative's November 16, 2007 decision (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 7, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant has been overpaid and must repay a total of \$1,752.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css