

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

JUDY A FOLAN
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Appeal Number: 04A-UI-08307-H2T
OC: 07-27-03 R: 12
Claimant: Respondent (2)

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)

871 IAC 23.43(9) – Combined Wage Claim/Relief of Charges

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 30, 2004, reference 01, decision that determined the employer's account could not be relieved of charges. After due notice was issued, a hearing was held on August 24, 2004. The claimant did not participate. The employer did participate through Kathy Heuwinkel, Benefits Specialist. Employer's Exhibit One was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a unit secretary full time beginning April 16, 2001 through November 29, 2002, when she voluntary quit her employment for personal reasons. Continued work was available for her.

REASONING AND CONCLUSION O FLAW:

For the reasons that follow, the administrative law judge concludes that the employer's account may be relieved of charges.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

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 employer has established that a timely protest was filed as Employer's Exhibit One and clearly was signed by the employer on August 4, 2003. Additionally, the employer has established that the claimant voluntarily quit her employment without good cause attributable to the employer. Benefits would be denied to the claimant if she were filing an Iowa claim. Thus, the employer has established that the claimant's separation was disqualifying and no Iowa benefits would be paid under an Iowa claim. Therefore, the employer's account may be relieved of charges under the provisions of the above stated Administrative Code Section.

DECISION:

The July 30, 2004, reference 01, decision is reversed. The employer's account is relieved of charges.

tkh/tjc