

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MICHAEL H CHOTHEN**  
Claimant

**EXPRESS SERVICES INC**  
Employer

**APPEAL 20A-UI-11488-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/01/20  
Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On September 16, 2020, Michael Chochen (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated September 8, 2020 (reference 06) that denied benefits based on a finding claimant voluntarily quit on January 31, 2020 without good cause.

A telephone hearing was held on November 10, 2020. The parties were properly notified of the hearing. The claimant participated personally. Express Services Inc (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant's first day of employment was December 2019. Claimant is still employed by employer. He most recently performed work for employer approximately two weeks ago. He did not resign and he has not been discharged.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated September 8, 2020 (reference 06) that denied benefits based on a finding claimant voluntarily quit on January 31, 2020 without good cause is REVERSED.

Claimant has not separated from employment with employer. Claimant cannot be disqualified from benefits based on a separation that has not occurred. Claimant is therefore not disqualified from benefits and is eligible for benefits, so long as he otherwise meets all eligibility requirements.

**DECISION:**

The decision dated September 8, 2020 (reference 06) that denied benefits based on a finding claimant voluntarily quit on January 31, 2020 without good cause is REVERSED.

Claimant has not separated from employment with employer. Claimant cannot be disqualified from benefits based on a separation that has not occurred. Claimant is therefore not disqualified from benefits and is eligible for benefits, so long as he otherwise meets all eligibility requirements.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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November 17, 2020  
Decision Dated and Mailed

abd/mh