

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

KRYSTAL D SHANNON  
PO BOX 164  
BURLINGTON IA 52601

MURPHY OIL USA INC  
c/o TALX UNISERVICE INC  
PO BOX 1160  
COLUMBUS OH 43216 1160

Appeal Number: 05A-UI-11294-DWT  
OC: 10/09/05 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Murphy Oil USA, Inc. (employer) appealed a representative's October 28, 2005 decision (reference 01) that concluded Krystal D. Shannon (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 benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 17, 2005. The claimant responded to the hearing notice but was not available for the hearing. A message was left on the claimant's answering machine to contact the Appeals Section immediately if she wanted to participate in the hearing. The claimant did not contact the Appeals Section. Sherry Stone, the manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 worked about 18 months for the employer. On July 5, the employer promoted the claimant to assistant manager. On July 11, 2005, Stone started working at the store as the manager.

Stone noticed personal problems between the claimant and another employee. In August, the claimant and co-worker talked. Stone believed they had worked out some of their differences. On September 29, 2005, the claimant went to the store to pick up something. While she was there, the co-worker had a friend at the store. The claimant called Stone because she did not believe the co-worker should have a friend at the store while she worked. The claimant and co-worker engaged in a verbal confrontation at the store on September 29. On September 30, the claimant worked with this co-worker. The two of them again engaged in a verbal confrontation. After her shift on September 30, the claimant called Stone and told her she could not deal with the co-worker anymore and was quitting effective immediately. The claimant did not return to work after September 30.

The claimant established a claim for unemployment insurance benefits during the week of October 9, 2005. The claimant filed claims for the weeks ending October 15 through November 5, 2005. The claimant received her maximum weekly benefit amount of \$117.00 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. The claimant voluntarily quit her employment on September 30, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when she leaves because of dissatisfaction with the work environment. 871 24.25(1). The evidence indicates the claimant was upset when she resigned. While the claimant may have had compelling personal reasons for quitting, the facts do not establish she quit for reasons that qualify her to receive unemployment insurance benefits. As of October 9, 2005, 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 unemployment insurance benefits during the weeks ending October 15 through November 5, 2005. The claimant has been overpaid \$468.00 in benefits she received for these weeks.

DECISION:

The representative's October 28, 2005 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 9, 2005. 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 is not legally entitled to receive benefits for the weeks ending October 15 through November 5, 2005. The claimant has been overpaid and must repay \$468.00 in benefits she received for these weeks.

dlw/tjc