

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LATOYSHIA D FOSTER
Claimant

APPEAL NO. 11A-UI-13778-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST ASSET MANAGEMENT INC
Employer

**OC: 09/26/11
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit
Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

West Asset Management Inc. filed a timely appeal from an unemployment insurance decision dated October 11, 2011, reference 05, that allowed benefits to Latoyshia D. Foster. After due notice was issued, a telephone hearing was held November 10, 2011 with Operations Director Jess Younker participating for the employer. Employer Exhibit One was admitted into evidence. The claimant did not provide a telephone number at which she could be contacted. The administrative law judge takes official notice of Agency benefit payment records and wage records.

ISSUES:

Was the separation a quit or a discharge?

Was the separation a disqualifying event?

FINDINGS OF FACT:

Latoyshia D. Foster was employed full time as a customer care associate by West Asset Management Inc. from April 2, 2011 until she resigned August 3, 2011. She called her supervisor, Rick Dart, to say that she had accepted a job with Polk County. No wages have been reported by Polk County for Ms. Foster. The claimant has requested unemployment insurance benefits for the week ending September 24, 2011.

REASONING AND CONCLUSIONS OF LAW:

The first step in the analysis of this evidence is to characterize the separation. The employer provided testimony and documentary evidence that the claimant left work voluntarily, saying she had accepted new employment. The administrative law judge finds the sworn testimony and documentary evidence more credible than the claimant's unsworn testimony to the fact finder that she had been discharged. The administrative law judge concludes that the separation was a voluntary quit.

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 claimant has the burden of proof. See Iowa Code section 96.6-2. As noted, the claimant did not participate. There is no evidence establishing that Ms. Foster had indeed accepted other employment at the time that she resigned. Based upon the record available at this time, benefits must be withheld. If the claimant has in fact accepted employment with Polk County or some other employer, she should take paystubs establishing the beginning date of her employment to her local Workforce Center.

DECISION:

The unemployment insurance decision dated October 11, 2011, reference 05, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible, or establishes that she quit the present employment for the sole purpose of accepting other employment.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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