

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSHUA J SCHULING**  
Claimant

**APPEAL NO: 12A-UI-07850-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OSCEOLA FOOD LLC**  
Employer

**OC: 06/03/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 22, 2012 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Aaron Peterson, the human resource manager, appeared on the employer's behalf.

The claimant called the Appeals Section on July 23 at 3 p.m. for a 9:30 a.m. hearing. The claimant requested that the hearing be reopened. Based on the claimant's request to reopen the hearing, the evidence, the arguments of the parties, and the law, the administrative law judge denies the claimant's request to reopen the hearing and concludes that he is not qualified to receive benefits.

**ISSUES:**

Did the claimant establish good cause to reopen the hearing?

Did the claimant voluntarily quit his employment for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in April 2011. He worked as a full-time production employee. On April 2, the claimant notified the employer that his life was a mess and he could no longer work for the employer. The employer understood the claimant was dealing with personal issues. The claimant's job was not in jeopardy when he quit and the employer had continued employment for him.

The claimant received the hearing notice before July 23. The hearing notice informed him the hearing was scheduled on July 23 at 9:30 a.m., Iowa time. The claimant did not read the hearing notice carefully and did not call the Appeals Section before the scheduled hearing. The hearing notice stated: "Immediately call when you receive this notice to participate in a telephone hearing, and the judge will not call on the day of the hearing if you have not called the

Appeals Bureau as instructed.” The claimant called the Appeals Section around 3 p.m. to participate in the 9:30 a.m. hearing. In addition to not reading the hearing notice, the claimant also asserted he may not have understood the instructions. When asked what instructions he did not understand, the claimant could not explain what he had not understood.

**REASONING AND CONCLUSIONS OF LAW:**

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

The claimant did not establish good cause for failing to contact the Appeals Section before the scheduled hearing and then waited until 3 p.m. to contact the Appeals Section for the earlier 9:30 a.m. hearing. The claimant’s request to reopen the hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-(1). The claimant quit his employment on April 2, 2012. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant may have had compelling personal reasons for quitting. The evidence does not establish that he quit for reasons that qualify him to receive benefits. As of April 2, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The claimant’s request to reopen the hearing is denied. The representative’s June 22, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 2, 2012. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer’s account will not be charged.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw