

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA M KRIVACHEK**  
Claimant

**APPEAL NO. 10A-UI-08141-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAMILY DOLLAR STORES OF IOWA INC**  
Employer

**Original Claim: 05/02/10  
Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's May 27, 2010 decision (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because she voluntarily quit her employment for reasons that qualify her to receive benefits. A telephone hearing was held on July 22, 2010. The claimant did not respond to the hearing or participate in the hearing. Michael Ousley 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.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on January 26, 2009. She worked full-time as a store manager.

On November 16, 2009, the claimant left work early and told a co-worker she could not do this anymore. The claimant called Robert Hock and gave him her resignation, which was effective immediately. The claimant's job was not in jeopardy when she quit. The employer had continuing work for the claimant to do.

The claimant established a claim for benefits during the week of May 2, 2010. She has filed for and received benefits since May 2, 2010.

**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 § 96.6-2-a. When a claimant quits, she has the burden to establish she quit her employment for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The employer established the claimant quit her employment on November 16, 2009. The evidence presented during the hearing does not establish the claimant quit her employment for reasons that qualify her to receive benefits. Therefore, as of May 2, 2010, the claimant is not qualified to receive benefits.

The issue of overpayment or whether she is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's May 27, 2010 decision (reference 02) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 2, 2010. 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 issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw