

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

AMY S DILLINER
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CHECK-N-GO OF IOWA INC
c/o HUNTER CONSULTING COMPANY
PO BOX 54865
CINCINNATI OH 45254 0865

Appeal Number: 06A-UI-05329-DWT
OC: 04/30/06 R: 02
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Check-N-Go of Iowa, Inc. (employer) appealed a representative's May 16, 2006 decision (reference 01) that concluded Amy S. Dilliner (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 June 8, 2006. At the time of the hearing the claimant was called. The claimant informed the administrative law judge she decided she would not participate in the hearing because she had another job. Matt Stone, the district director, 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 unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 27, 2005. The claimant worked as a full time customer service representative. Janelle Murray supervised the claimant.

The claimant stopped reporting to work as of May 1, 2006. On May 4, the claimant contacted Murray and told her she was quitting. The employer did not know why the claimant quit and had no idea she was thinking about quitting.

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 section 96.5-1. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer.

The claimant may have had compelling personal reasons for quitting. The evidence does not establish that she quit her employment for reasons that qualify her to receive unemployment insurance benefits. As of April 30, 2006, the claimant is not qualified to receive unemployment insurance benefits. The claimant has not been overpaid any benefits because she has not received any benefits.

DECISION:

The representative's May 16, 2006 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 April 30, 2006. 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.

dlw/cs