

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

BRAD N DANIELS
1907 – 14TH ST
VIOLA IL 61486-9474

ELLER CONSTRUCTION COMPANY INC
1111 TRAILS RD
ELDRIDGE IA 52748

Appeal Number: 06A-UI-07066-CT
OC: 04/16/06 R: 12
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:

Eller Construction Company, Inc. (Eller) filed an appeal from a representative's decision dated June 28, 2006, reference 01, which held that its account would not be relieved of charges for benefits paid to Brad Daniels by another state. After due notice was issued, a hearing was held by telephone on July 27, 2006. The employer participated by Shari Eller, Office Administrator. Mr. Daniels did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Daniels' last period of employment with Eller

began on August 16, 2005. He was employed full time as a laborer. He did not return to work after October 12, 2005 and did not notify the employer of his intentions. Although the employer's work is seasonal, layoffs usually do not occur until after Christmas. As of the date Mr. Daniels stopped reporting to work, no layoff had been announced.

Mr. Daniels had not complained about any work-related matters before quitting. Continued work would have been available if he had continued reporting for work.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Eller's account should be relieved of charges on Mr. Daniels' claim based on wages transferred to the State of Illinois. Eller's Iowa unemployment account would only be relieved of charges if Mr. Daniels' separation constituted a disqualifying event under Iowa law. Mr. Daniels abandoned his job when he stopped reporting for work after October 12, 2005. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Mr. Daniels did not participate in the hearing to explain why he stopped reporting for work. The evidence of record does not establish any cause attributable to the employer for the separation. Accordingly, it is concluded that Mr. Daniels' separation constituted a disqualifying event pursuant to section 96.5(1). Therefore, Eller is relieved of charges on the claim.

This decision does not address Mr. Daniels' entitlement to benefits. Whether he receives benefits will be determined by the State of Illinois.

DECISION:

The representative's decision dated June 28, 2006, reference 01, is hereby reversed. Mr. Daniels voluntarily quit his employment with Eller for no good cause attributable to the employer. Eller's account is hereby relieved of charges on the claim. Mr. Daniels' eligibility for benefits will be determined by the State of Illinois.

cfc/kjw