

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AUSTIN M REIMERS**  
Claimant

**APPEAL NO. 09A-UI-05120-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PFINGSTEN CUSTOM CHOPPING INC**  
Employer

**OC: 11-30-08**  
**Claimant: Respondent (2)**

871 IAC 23.43(9) – Combined Wage Claim/Relief of Charges

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the March 18, 2009, reference 03, decision that allowed benefits and determined the employer's account could not be relieved of charges. After due notice was issued, a hearing was held on April 29, 2009. The claimant did not participate. The employer did participate through Arlen Pfingsten, President.

**ISSUE:**

Can the employer's account be relieved of charges?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a truck driver part time beginning October 6, 2007 through October 6, 2007 when he voluntarily quit.

The claimant only worked for one day before leaving the area and returning to school. If he had stayed in the area continued work was available for him.

**REASONING AND CONCLUSION O FLAW:**

For the reasons that follow, the administrative law judge concludes that the employer's account may be relieved of charges.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to

establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

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 voluntarily quit his employment by failing to return for additional work and leaving the area where work was available for him. The employer has established that the claimant's separation was disqualifying and no benefits would be paid under an Iowa claim. Therefore, the employer's account may be relieved of charges under the provisions of the above-stated Administrative Code section.

**DECISION:**

The March 18, 2009, reference 03, decision is reversed. The employer's account is relieved of charges.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/css