

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLEE L BEAMON
Claimant

APPEAL NO. 07A-UI-10364-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALORICA INC
Employer

**OC: 10/07/07 R: 01
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Alorica, Inc. (employer) appealed a representative's November 2, 2007 decision (reference 01) that concluded Charlee L. Beamon (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 29, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Jodi Heineman, a human resource generalist, 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.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on December 11, 2006. The claimant worked as a full-time quality analyst.

Prior to September 30, 2007, the claimant had some attendance issues, but her job was not in jeopardy. The week of September 23, the claimant was absent from ten hours of scheduled work. The claimant made arrangements to make up the ten hours on September 28 and 29. When the claimant did not report to work on September 28, the lead agent called her to see if she was coming to work. The claimant indicated she would make up the hours either on

September 28 or 29. The claimant had not been to work yet because a family member was in the hospital.

The claimant did not go to work on September 28 or 29. On September 30, the claimant went to work and cleaned out her desk and left the employer's items. The claimant told coworkers she was quitting because she was upset that the employer called her on September 28 to find out if she was going to make up ten hours of work.

The claimant established a claim for unemployment insurance benefits during the week of October 7, 2007. The claimant filed claims for the weeks ending October 13 through November 3, 2007. She received her maximum weekly benefit amount of \$275.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence establishes that the claimant quit her employment. If the claimant had reported to work on October 1 without making up ten hours of work over the weekend, the employer may have given her warning for attendance issues, but the claimant would have had continued employment. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant may have had compelling personal reasons for quitting. 871 IAC 24.25(22). The evidence does not establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of October 7, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending October 13 through November 3, 2007. The claimant has been overpaid \$1,100.00 in benefits she received for these weeks.

DECISION:

The representative's November 2, 2007 decision (reference 01) is reversed. The employer did not discharge the claimant. Instead, 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 October 7, 2007. 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 claimant has been overpaid and must repay a total of \$1,100.00 in benefits she received but was not legally entitled to receive for the weeks ending October 13 through November 3, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css