

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIE E DUDLEY
Claimant

APPEAL NO. 15A-UI-13719-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

**OC: 10/11/15
Claimant: Respondent (2/R)**

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits
871 IA Admin. Code 24(10) – Employer Participation in Fact Finding

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated December 4, 2015 (reference 02) which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 5, 2016. Employer participated by Colleen McGuinty and Tanner McCutcheon. Claimant failed to respond to the hearing notice and did not participate. Employer's Exhibits One and Two were admitted into evidence.

ISSUES:

Did the claimant voluntarily quit for good cause attributable to employer?

Whether claimant was overpaid benefits.

If claimant was overpaid benefits, should claimant repay benefits or should employer be charged due to employer's participation or lack thereof in fact finding?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time, last assigned at Rock Ten from June 2013 and quit the employment on October 10, 2015. Prior to claimant's quitting work, claimant had taken time off to attend other job interviews.

Claimant's quitting at Rock Ten proceeded the date in which Rock Ten shut down operations. It was believed that claimant's quit was in order that claimant could start other employment but there was no evidence that claimant ever started another job.

Employer sent in information concerning claimant's job separation to the fact finder and included a number to be reached if the fact finder had additional questions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was without good cause attributable to the employer.

Iowa Code § 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.

As claimant in this matter quit work without notice prior to any of the notice being given as to the end of operations at Rock Ten, the claimant's quit was voluntary. As claimant has presented no evidence of other employment secured after the departure from employer, claimant is not eligible to receive benefits.

DECISION:

The December 4, 2015 (reference 02) decision is reversed. The claimant's separation from employment was not attributable to the employer. At the time of claimant's quit, employer did not have information as to the closure of the plant. Claimant has presented no evidence which would support his quit being attributable to employer. Benefits are denied.

This matter is remanded to the fact finder to determine the extent of overpayments received. Employer is deemed to have substantially participated in fact finding such that employer's account will not be charged for the overpayments received.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can