

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**T'VONSHAI S GULLY**  
Claimant

**APPEAL NO: 13A-UI-09170-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WASHINGTON INVENTORY SERVICES INC**  
Employer

**OC: 06/23/13**  
**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's July 30, 2013 determination (reference 03) that held the claimant eligible to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Jerome Massey, the district manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on February 14, 2013, as a part-time inventory counter. The claimant gave the employer notice she was resigning as of May 6, 2013, because she had another job. The employer understood the claimant was moving to Fort Dodge for a new job.

The claimant established a claim for benefits during the week of June 23, 2013.

**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 § 96.5(1). When a claimant quits because she has accepted another job, she is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

Based on the evidence presented during the hearing, the claimant voluntarily quit when she gave the employer her resignation notice. Since the claimant did not participate at the hearing

and the administrative record does not indicate she worked for another employer after this employment separation, Iowa Code § 96.5(1)a does not apply in this case.

The claimant may have had personal reasons for quitting, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of June 23, 2013, the claimant is not qualified to receive benefits.

The issues of whether the claimant has been overpaid benefits she received since June 23, whether she is required to pay back any overpayment of benefits or if the employer will be charged for benefits the claimant has been overpaid because of participation or nonparticipation in the fact-finding interview will be remanded to the Claims Section to determine.

**DECISION:**

The representative's July 30, 2013 determination (reference 03) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 23, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

This issues of whether the claimant has been overpaid benefits she has received since June 23, whether she is required to pay back any overpayment of benefits or whether the employer will be charged for benefits the claimant has been overpaid because of participation or nonparticipation in the fact-finding interview is **Remanded** to the Claims Section to determine.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/css