

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAYCYK I HYDE

Claimant

O'REILLY AUTOMOTIVE INC

Employer

APPEAL 23A-UI-06130-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/07/23

Claimant: Respondent (2)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

O'Reilly Automotive Inc, the employer/appellant,¹ filed an appeal from the Iowa Workforce Development (IWD) June 6, 2023 (reference 01) unemployment insurance (UI) decision. The decision allowed Mr. Hyde REGULAR (state) UI benefits because IWD concluded he quit on May 10, 2023 because his working conditions were detrimental to him and the employer caused his quitting. On June 21, 2023, the Iowa Department of Inspections, Appeals, and Licensing, UI Appeals Bureau mailed a notice of hearing to the employer and Mr. Hyde for a hearing scheduled for July 10, 2023.

The undersigned administrative law judge held a telephone hearing on July 10, 2023. The employer participated through Larry Roof, district manager and Amber Maudlin, store manager. Mr. Hyde did not participate in the hearing. The undersigned took official notice of the administrative record and admitted Employer's Exhibit 1 as evidence.

ISSUES:

Did Mr. Hyde voluntarily quit without good cause attributable to the employer?

Did IWD overpay Mr. Hyde UI benefits?

If so, should he repay the benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Hyde began working for the employer on July 5, 2022. He worked as a full-time installer service specialist. His employment ended on May 10, 2023.

On May 9, Mr. Hyde and another employee (Employee A) had an altercation at work. Mr. Hyde reported the incident to the employer's corporate human resources (HR) department. Separately, other employees reported the incident to Ms. Maudlin, who was not at the store at the time of the incident. Ms. Maudlin returned to the store. Mr. Hyde told Ms. Maudlin that Employee A had chest-bumped him during the altercation. Mr. Hyde stated that he was going to give the employer a two-week notice of his intention to resign. Ms. Maudlin encouraged Mr.

¹ Appellant is the person or employer who filed the appeal.

Hyde to go home and think about it before he did so. Mr. Hyde left for the day. Ms. Maudlin contacted Mr. Roof, her manager, about the incident.

The next day, Mr. Roof came to the store and interviewed Mr. Hyde, Employee A and five other witnesses. Mr. Hyde reported to Mr. Roof that Employee A had chest bumped him during the altercation. Employee A denied doing so. No other witnesses reported seeing Employee A chest bump Mr. Hyde. Mr. Hyde mentioned to Mr. Roof that he was going to give the employer a two-week notice of his intention to resign. At some point in the day, Mr. Hyde asked Mr. Roof if the issue was resolved. Mr. Roof said no to which Mr. Hyde responded that he quit. The employer's usual investigation process is to conduct interviews then send the statements to corporate HR for review. Mr. Roof had not yet sent the statements to corporate HR when Mr. Hyde quit.

IWD has not paid Mr. Hyde any REGULAR (state) UI benefits on his UI claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Mr. Hyde's separation from employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(37) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer.² A voluntary leaving of employment requires an intention to

² Iowa Code § 96.6(2).

terminate the employment relationship accompanied by an overt act of carrying out that intention.³ “Good cause” for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular.⁴

In this case, the employer received conflicting accounts of what happened between Mr. Hyde and Employee A. The employer promptly began an investigation, and the investigation was ongoing when Mr. Hyde quit. Mr. Hyde wanted the employer to resolve the matter before the investigation was over. When the employer did not do that, he quit. Mr. Hyde did what was best for him, but his leaving was not for a good-cause reason attributable to the employer according to Iowa law. UI benefits are denied.

The undersigned further concludes IWD did not overpay Mr. Hyde UI benefits.

Iowa Code §96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer’s account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. The employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department’s request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers. If the department determines that an employer’s failure to respond timely or adequately was due to insufficient notification from the department, the employer’s account shall not be charged for the overpayment.

(b) However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual’s separation from employment.

Since IWD has not paid Mr. Hyde any UI benefits on his claim, IWD has not overpaid Mr. Hyde any UI benefits. There are no benefits for Mr. Hyde to repay.

³ *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

⁴ *Uniweld Products v. Indus. Relations Comm’n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

DECISION:

The June 6, 2023 (reference 01) UI decision is REVERSED. Mr. Hyde voluntarily left his employment without good cause attributable to the employer. UI benefits are denied until Mr. Hyde has worked in and been paid wages for insured work equal to ten times his weekly UI benefit amount, as long as no other decision denies him UI benefits. .

IWD has not overpaid Mr. Hyde any UI benefits. There are no benefits for Mr. Hyde to repay.



Daniel Zeno
Administrative Law Judge

July 12, 2023
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to **file a petition for judicial review in District Court** within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de **presentar una petición de revisión judicial en el Tribunal de Distrito** dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.