

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKIE E MORTON**  
Claimant

**APPEAL NO. 07A-UI-01315-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOODWILL INDUSTRIES  
OF CENTRAL IOWA INC**  
Employer

**OC: 10/22/06 R: 02  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated November 9, 2006, reference 01, which denied benefits for unemployment insurance. The claimant's appeal was filed on February 6, 2007. After due notice, a telephone conference hearing was scheduled for and held on February 22, 2007. The claimant participated. The employer participated through Marilyn McCain.

**ISSUE:**

The issues in this matter are whether the claimant's appeal from the November 9, 2006 decision is timely and whether the claimant quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all the evidence in the record, the administrative law judge finds: The claimant was employed by Goodwill Industries Inc. from June 14, 2005, until October 23, 2006, when she voluntarily quit her employment. Ms. Morton was employed on a part-time basis and last worked as a dock worker. Ms. Morton had requested to be transferred to the position of part-time dock worker; and, at the claimant's request, was assigned to work in that capacity by the employer. Subsequently, the claimant quit her job with Goodwill Industries, as the working hours that she had requested conflicted with the claimant's personal obligations.

The disqualification decision in this matter was mailed to the claimant's last-known address on November 9, 2006. However, due to problems in receiving her mail and what the claimant considered to be confusing information received from agent representatives regarding the filing of an appeal, her appeal was delayed.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes, based upon the evidence in the record, that the claimant has established good cause for failing to file her appeal within the statutory ten-day

period. Due to circumstances that were largely beyond the claimant's control and what the claimant considered to be misinformation provided by one or more agency representatives, she was delayed in filing her appeal. The administrative law judge is of the opinion that circumstances beyond the claimant's control deprived the claimant of a reasonable opportunity to assert an appeal in a timely fashion. Therefore, jurisdiction exists to make a determination with respect to the claimant's separation from employment.

Iowa Code section 96.6-2 provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 10, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes, based upon the evidence in the record, that the claimant chose to voluntarily quit her employment for reasons that were not attributable to the employer. The record reflects that Ms. Morton has specifically requested to work on a part-time basis during designated hours and that the employer had complied with the claimant's request. Subsequently, the claimant chose to quit her employment because of personal obligations.

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.

For the reasons herein stated, the administrative law judge concludes that the claimant voluntarily quit for reasons that do not establish good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The decision of the representative dated November 9, 2006, reference 01, is hereby affirmed. The claimant quit her job under disqualifying conditions. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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