

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RENEE BUTLER
Claimant

APPEAL NO: 19A-UI-00873-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TMONE LLC
Employer

OC: 01/06/19
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Leaving
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 30, 2019, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on February 14, 2019. The claimant provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing. Molly Meister, Executive Administrator, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time agent for TMONE from August 27, 2018 to September 11, 2018. She voluntarily left her employment after telling the employer she found a better paying job. There is no evidence the claimant had another job or performed services for that employer.

The claimant filed a claim effective January 6, 2019, but has not filed a weekly claim for benefits since opening her claim and has not received any benefits since her separation from this employer.

The employer participated personally in the fact-finding interview through the statements of Executive Administrator Molly Meister.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant told the employer she was leaving for other employment, there is no evidence she had another job or that she performed services for a subsequent employer. Therefore, benefits must be denied.

The claimant has not received any benefits since her separation from this employer. Therefore, there is no overpayment of benefits.

DECISION:

The January 30, 2019, reference 02, decision is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant has not received any benefits since her separation from this employer. Therefore, there is no overpayment of benefits.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn