

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL M KEEGAN

Claimant

APPEAL NO. 06A-UI-09720-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

B&K SERVICES INC

Employer

**OC: 06/25/06 R: 01
Claimant: Respondent (2)**

Section 96.5(1) – Quit
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, B&K Services, filed an appeal from a decision dated September 29, 2006, reference 02. The decision allowed benefits to the claimant, Paul Keegan. After due notice was issued a hearing was held by telephone conference call on October 17, 2006. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Safety and Compliance Director Andrew Gates.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Paul Keegan was employed by B&K Services from July 3 until September 11, 2006. He was a full-time wash bay attendant. On September 11, 2006, the claimant caused some damage to a vehicle when he struck a wall. Supervisor Brian Murphy notified him he might be responsible for some of the cost of the damage. Mr. Keegan punched out for lunch that day and never returned.

Paul Keegan has received unemployment benefits since filing an additional claim with an effective date of September 10, 2006.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant quit by leaving his job and never returning. Continuing work was still available to him had he returned after his lunch period. The record establishes the claimant did not have good cause attributable to the employer for quitting. He is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's decision of September 29, 2006, reference 02, is reversed. Paul Keegan is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$351.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs