

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JUSTIN KRATTS

Claimant

APPEAL 16A-UI-06052-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION

Employer

OC: 12/20/15

Claimant: Appellant (1)

Iowa Code § 96.6(2) – Timeliness of Appeal

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 12, 2016 (reference 05) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 21, 2016. Claimant participated. Employer did not participate. Claimant's Exhibit A was received.

ISSUES:

Is the appeal timely?

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The unemployment insurance decision was mailed to the appellant's address of record on May 12, 2016. The appellant received the decision within the appeal period. The decision disqualified claimant from receiving benefits based on his separation from employment with employer. Claimant believed he was still qualified to receive benefits based on wage credits earned from his former employer, Rockwell Collins. Thus, claimant did not appeal the decision. Claimant did not realize the agency disqualified him from receiving *any and all* benefits until he received a May 25, 2016 (reference 06) decision finding him overpaid benefits based on his disqualifying separation from employer. On May 31, 2016, claimant appealed both decisions.

Claimant is a systems engineer who was laid off from Rockwell Collins on December 18, 2015.

Claimant began working for employer as an assembler from March 10, 2016 and was separated from employment on April 1, 2016, when he voluntarily quit. Claimant resigned because he had several upcoming job interviews for engineering positions for which he had to travel. It would have been impossible for claimant to maintain his employment as an assembler for employer and travel to attend the interviews. After resigning from employer, claimant was offered and accepted an engineering position in Texas.

REASONING AND CONCLUSIONS OF LAW:

The first issue to be considered in this appeal is whether the appellant's appeal is timely. The administrative law judge determines it is.

Iowa Code § 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 claimant's failure to file an appeal within the appeal period was solely because of the confusing decision he received from the agency. The decision claimant received did not state he was disqualified from receiving unemployment benefits based on wage credits he earned with Rockwell Collins. Claimant did not realize he was disqualified from receiving any and all unemployment insurance benefits until after he received the overpayment decision. After claimant learned of the disqualification, he promptly appealed both decisions. Claimant's delay was prompted by confusing information provided by the agency. See, Iowa Admin. Code r. 871-24.35(2). Therefore, the appeal shall be accepted as timely.

The next issue is whether claimant is disqualified from receiving benefits based on his separation from employer.

Iowa Code §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.

Here, claimant resigned to interview with other employers. Although resigning to interview for other positions is a good personal reason for resignation, it is not a good cause reason attributable to employer pursuant to unemployment law. Thus, claimant is disqualified from receiving benefits.

DECISION:

The May 12, 2016 (reference 05) unemployment insurance decision is affirmed. The appeal is considered timely. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Decision Dated and Mailed

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