

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER J DUNCAN**  
Claimant

**APPEAL NO. 09A-UI-11973-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QWEST COMMUNICATION CO**  
Employer

**Original Claim: 07/05/09  
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Qwest Communication Company filed an appeal from a representative's decision dated August 14, 2009, reference 01, which allowed benefits to Christopher Duncan effective July 19, 2009 on a finding that he was laid off. After due notice was issued, a hearing was held by telephone on September 3, 2009. The employer participated by Brian Martin, Sales and Support Manager, and was represented by David Hunt of Barnett Associates, Inc. Mr. Duncan did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Mr. Duncan was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Duncan began working for Qwest on June 9, 2008 as a full-time associate in sales and service. On April 15, 2009, he was notified that he would be permanently laid off effective July 15, 2009. He quit on May 11, 2009, citing other opportunities as the reason. Continued work would have been available until July 15 if he had not quit. Mr. Duncan filed a claim for job insurance benefits effective July 5, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Duncan quit on May 11, 2009 and told the employer he had other opportunities. He did not participate in the hearing to explain what the other opportunities consisted of. The evidence of record does not establish any good cause attributable to Qwest for the May 11 quit.

If an individual voluntarily quits employment in advance of an announced scheduled layoff date, benefits are denied from the last day worked until the effective date of the layoff. 871 IAC

24.25(40). Inasmuch as Mr. Duncan could have continued to work until July 15, 2009, he is not entitled to job insurance benefits until that date. Therefore, benefits are denied through the week ending July 18, 2009.

**DECISION:**

The representative's decision dated August 14, 2009, reference 01, is hereby affirmed. Mr. Duncan is denied benefits through July 18, 2009, as he quit his employment without good cause attributable to the employer prior to the effective date of his layoff. Benefits are allowed effective July 19, 2009, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw