

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANA S PRICHARD
Claimant

APPEAL NO. 07A-UI-09940-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 09/23/07 R: 01
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Stream International, Inc. (employer) appealed a representative's October 18, 2007 decision (reference 01) that concluded Diana S. Prichard (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was not subject to charge because the claimant voluntarily quit a part-time job for reasons that were not caused by the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 13, 2007. Although the claimant responded to the hearing notice, she was not available for the hearing. Jacqueline Kurtz, Misty Hanna, the tech support manager, and Debbie Nelson appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 14, 2007. The claimant worked as a full-time tech support representative. Hanna supervised the claimant. On September 3, 2007, the claimant received the employer's Absence Procedure policy. The policy informed the claimant that if she were absent and did not notify the employer of her absence, the absence would be considered a no-call/no-show incident and if there were another no-call/no-show incident, the employer could discharge her. (Employer Exhibit One.)

On September 11, 2007, the claimant did not call or report to work. On September 14, 2007, the claimant left in the middle of her shift. The employer did not know why the claimant left and she did not talk to her supervisor before she left work. On September 15, 16 and 17, the

claimant did not report to work or contact the employer. The claimant did not call or report to work any time after September 14, 2007. (Employer Exhibit Two.)

The claimant established a claim for unemployment insurance benefits during the week of September 23, 2007. She filed claims for the weeks ending September 29 through November 10, 2007. The claimant received her maximum weekly benefit amount of \$197.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant quit her employment when she failed to return to work any time after September 14, 2007. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant may have had compelling personal reasons for abandoning her employment after September 14, but the evidence does not establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of September 23, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending September 29 through November 10, 2007. The claimant has been overpaid \$1,379.00 in unemployment insurance benefits she received for these weeks.

DECISION:

The representative's October 18, 2007 decision (reference 01) is reversed. The claimant voluntarily quit a full-time job for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 23, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant has been overpaid and must repay a total of \$1,379.00 for benefits she was not legally entitled to receive for the weeks ending September 29 through November 10, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css