

ISSUES:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on June 20, 2005. The employer hired the claimant to work as a full-time production worker.

The claimant worked as scheduled on July 22, 2005. On July 25, the claimant notified the employer he was ill and unable to work as scheduled. The claimant was scheduled to work July 26, 27 and 28. The claimant did not call or report to work any of these days. The claimant has not had any contact with the employer since July 25, 2005.

The claimant established a claim for unemployment insurance benefits during the week of July 24, 2005. The claimant filed claims for the weeks ending July 30 through September 17, 2005. The claimant received his maximum weekly benefits of \$189.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The facts establish the claimant voluntarily quit his employment by abandoning it after July 25, 2005. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

Even though the claimant was a probationary employee, the employer would have continued his employment if he notified the employer he was ill and had a doctor's statement verifying he had been unable to work on days he did not work as scheduled. The claimant may have had personal reasons for quitting his employment. The evidence does not establish why the claimant quit reporting to work. Therefore, the facts do not establish that the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of July 24, 2005, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits he 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 unemployment insurance benefits for the weeks ending July 30 through September 17, 2005. The claimant has been overpaid \$1,512.00 in benefits he received for these weeks.

DECISION:

The representative's August 29, 2005 decision (reference 04) is reversed. The employer did not discharge the claimant. Instead, the claimant quit his employment by abandoning his job after July 25, 2005. The claimant did not establish he quit for reasons that qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 24, 2005. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The claimant is not legally entitled to receive benefits for the weeks ending July 30 through September 17, 2005. The claimant has been overpaid and must repay a total of \$1,512.00 in benefits he received for these weeks.

dlw/kjf