

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**FAVIAN MEDINA**  
Claimant

**APPEAL NO. 11A-UI-10219-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL**  
Employer

**OC: 07/03/11**  
**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's July 28, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been laid off from as a result of the employer going out of business. The claimant did not respond to the hearing notice or participate in the hearing. Kayla Neuhalphen appeared not the employer's behalf. Based on the administrative record, the evidence, the arguments of the employer, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer in January 2011. The employer assigned the claimant to a long-term assignment on January 11, 2011. On May 9, 2011, the claimant informed the employer his last day of work would be May 11. The employer has not had any contact with the claimant after May 11, 2011.

The employer did not close its business.

The claimant established a claim for benefits during the week of July 3, 2011. After hearing notices were mailed on August 10, the Claims Section issued another determination on August 15, 2011 (reference 03). Reference 03 did not state that it amended reference 02, even though it did.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a

claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant quit his employment for personal reasons, but he did not establish that he quit for reasons that qualify him to receive benefits. As of July 3, 2011, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

(If the Appeals Section had been informed about the August 15 determination or if the August 15 determination had stated that it amended reference 02, there would have been no need for a hearing unless the claimant appealed the August 15 (reference 03) determination.)

**DECISION:**

The representative July 28, 2011 determination (reference 02) is reversed. The employer's business did not close. Instead, the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 3, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw