

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KAREN F FORD
472 EWART RD
GRINNELL IA 50112

VERIZON CORP SERVICES GROUP INC
C/o JON JAY ASSOCIATES INC
PO BOX 182523
COLUMBUS OH 43218

Appeal Number: 04A-UI-04286-DWT
OC 03/14/04 R 02
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Verizon Corporation Services Group, Inc. (employer) appealed a representative's April 9, 2004 decision (reference 01) that concluded Karen F. Ford (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 7, 2004. The claimant participated in the hearing. George Anne Blissett appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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, or did the employer discharge her for work-connected misconduct?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 8, 1995. She worked as a full-time billing analyst. The employer offered eligible employees a separation package that included severance pay, a bonus and insurance for a year. The employer offered the separation package to eligible employees because the employer needed to reduce costs and one way was a reduction in force. The claimant understood that if not enough employees took the separation package, some employees could be laid off. If an employee accepted the severance package, the last day the employee could work was November 21, 2003. The claimant accepted the separation package and her last day of work was November 21. Even though the group or department where the claimant worked no longer exists, the employer had continued employment available if the claimant had not taken the separation package.

The claimant established a claim for unemployment insurance benefits during the week of March 14, 2004. The claimant filed claims for the weeks ending April 3 through May 8, 2004. She received her maximum weekly benefit amount of \$300.00 each week she filed a claim.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The facts indicate the claimant voluntarily quit when she accepted the employer's separation package. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The employer offered a separation package to eligible employees to reduce the employer's workforce. Even though the claimant was an eligible employee, the employer did not mandate that she take the separation package. She did so voluntarily, which ended her employment. Even though the claimant assumed she could be laid off if she did not take the separation package, the facts do not support this contention. Instead, the employer indicated the contrary.

There is no evidence the claimant's acceptance of the severance package prevented an employee with less seniority to lose her job. A preponderance of the evidence indicates the claimant voluntarily quit for compelling personal reasons. Her reasons for quitting do not, however, qualify her to receive unemployment insurance benefits. As of March 14, 2004, 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 unemployment insurance benefits during the weeks ending April 3 through May 8, 2004. She has been overpaid a total of \$1,800.00 in benefits she received for these weeks.

DECISION:

The representative's April 9, 2004 decision (reference 01) is reversed. The claimant was not laid off from work. Instead, she voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 14, 2004. 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 for any benefits paid to the claimant. The claimant is not legally entitled to receive benefits for the weeks ending April 3 through May 8, 2004. The claimant has been overpaid a total of \$1,800.00 in benefits she received for these weeks.

dlw/kjf