

**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**

**CHRISTOPHER M PHIPPS
4814 SW 8TH
DES MOINES IA 50315**

**DON WYCKOFF HEATING INC
1201 S DIEHL AVE
DES MOINES IA 50315**

**Appeal Number: 04A-UI-08455-CT
OC: 07/11/04 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 is 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

STATEMENT OF THE CASE:

Don Wyckoff Heating, Inc. (Wyckoff) filed an appeal from a representative's decision dated July 30, 2004, reference 02, which held that no disqualification would be imposed regarding Christopher Phipps' separation from employment. After due notice was issued, a hearing was held by telephone on August 26, 2004. The employer participated by Rick Hall, Financial Manager. Mr. Phipps did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Phipps began working for Wyckoff on May 12, 2003 as a full-time installer. He abandoned his job when he stopped reporting for available work. He last performed services for the employer on or about November 26, 2003. He failed to report for work and did not contact the employer on November 28, December 1, December 2, or December 3. When the employer had not heard from him, Mr. Phipps was sent a letter on December 4, 2003 advising that he no longer had employment with Wyckoff. Continued work would have been available if he had continued reporting for work or had notified the employer of his intentions.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Phipps was separated from employment for any disqualifying reason. The administrative law judge concludes that he voluntarily quit when he stopped reporting for available work with no notice to the employer. 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. Phipps had the burden of proving that his quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). He has not provided any information to Workforce Development as to why he stopped working for Wyckoff. The evidence of record does not establish any cause attributable to the employer for the separation. Accordingly, benefits are denied.

No overpayment results from this reversal of the prior allowance as Mr. Phipps has not claimed weekly benefits since filing his claim.

DECISION:

The representative's decision dated July 30, 2004, reference 02, is hereby reversed. Mr. Phipps voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/kjf