

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
Website: eab.iowa.gov**

ELHONDRA M BRAZZLE

Claimant

and

YOUNG WOMEN'S RESOURCE CENTER

Employer

: **APPEAL NUMBER:** 23B-UI-08936

: **ALJ HEARING NUMBER:** 23A-UI-08936

:

: **EMPLOYMENT APPEAL BOARD**

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DECISION

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NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 24.10

DECISION

The Employer appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision (ALJ) is correct with regard to the separation from employment. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

FINDINGS OF FACT:

The Employment Appeal Board adopts the ALJ's findings of facts with the exception of the last sentence of the last paragraph, which we strike. The Board makes the following additional findings:

The administrative record and testimony establish that the Employer had a witness with first-hand knowledge present at the fact-finding interview. Additionally, the Employer's protest provided information that the Claimant quit and provided the date of separation. When the fact-finder completed their fact-finding notes, they indicated the Employer participated in the fact-finding interview.

REASONING AND CONCLUSIONS OF LAW:

As an initial matter, we make clear that the Claimant was disqualified based on the separation from employment, and that the **disqualification decision still stands**. The Board adopts as its own the ALJ's

reasoning and conclusions of law with the exception of the final paragraph, which we strike. The Board makes the following additional reasonings and conclusions of law:

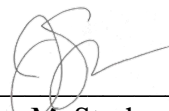
The Employer participated in the fact-finding interview by having a first-hand witness on the phone and providing the date the Claimant quit on their protest. The parties agree the Claimant quit her employment. The law requires employers to provide more information about a separation due to discharge during a fact-finding interview where they have the burden of proof than in a voluntary quit case where the Claimant has the burden of proof. Iowa Code §96.6(2) and 871 IAC 24.10.

In this case, the Claimant has received \$1,985 in regular UI benefits but she was not eligible for those benefits. The Claimant is obligated to repay Iowa Workforce Development for benefits she received because the Employer participated in the fact-finding interview. Additionally, the Employer's account is not subject to charge.

DECISION:

The ALJ's decision dated October 10, 2023, is **AFFIRMED ON THE ISSUE OF DISQUALIFICATION FROM BENEFITS**. We affirm the decision that the Claimant voluntarily quit work without good cause attributable to the Employer. As a result, benefits are withheld until such time as the Claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

The ALJ's decision dated October 10, 2023, is **REVERSED ON THE ISSUE OF OVERPAYMENT CHARGING**. The Employer participated in the fact-finding interview and their account is **not** subject to charge. The Claimant **is required** to repay the benefits she has received.



James M. Strohman



Myron R. Linn

SRC/fnv

DATED AND MAILED: DEC 01 2023