

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HAILEY A BELLON**  
Claimant

**APPEAL NO. 13A-UI-10386-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MONROE CARE CENTER INC**  
Employer

**OC: 08/18/13  
Claimant: Respondent (2)**

Section 96.5(1) – Quit  
Section 96.3(7) – Overpayment  
871 IAC 24.10 – Employer Participation

**STATEMENT OF THE CASE:**

The employer, Monroe Care Center, Inc. filed an appeal from a decision dated September 9, 2013, reference 01. The decision allowed benefits to the claimant, Hailey Bellon. After due notice was issued a hearing was held by telephone conference call on October 15, 2013.

The claimant provided a telephone number where she could be contacted. The administrative law judge dialed the number twice, at 3:01 p.m. and 3:02 p.m. The only response was an automated message stating the phone number was no longer in service. By the time the record was closed at 3:18 p.m. the claimant had not contacted the Appeals Bureau to request to participate.

The employer participated by Administrator Shelley Bear and Environmental Services Supervisor Carolyn Major.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer, whether the claimant is overpaid unemployment insurance benefits and whether the employer's account is charged due to non-participation at the fact-finding interview.

**FINDINGS OF FACT:**

Hailey Bellon was employed by MCC from January 28, 2013 until August 19, 2013 as a part-time housekeeper. Environmental Services Supervisor Carolyn Major had monthly staff meetings where all staff were reminded of various policies. More than once during these meetings Ms. Major emphasized that leaving work early without permission or authorization would be considered a voluntary quit. This was emphasized to Ms. Bellon personally by Ms. Major on one occasion where she simply left the facility to attend to a "personal matter" without notifying anyone.

On August 19, 2013, Ms. Major and Administrator Shelley Bear met with the claimant about an investigation being conducted into thefts from the facility. Ms. Bellon agreed to meet with a police officer who arrived while the meeting was still going on. The employer left the room to give the claimant and the officer privacy to discuss the matter. Ms. Bellon then left the room and the officer said she would take a package of cigarettes to check for fingerprints. The claimant had not been asked to go to the police station but punched out anyway and did not return.

On August 21, 2013, Ms. Bellon called Ms. Major to ask if she still had a job. The supervisor told her she did not because she had left without notice or permission. The claimant maintained she left because she was having an anxiety attack but did not offer any explanation as to why she did not mention this to anyone before leaving.

Hailey Bellon has received unemployment benefits since filing a claim with an effective date of August 18, 2013. Administrator Shelley Bear participated personally in the fact-finding interview.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The claimant walked off the job in the middle of the shift without notifying anyone she was leaving or requesting permission from a supervisor. She had been warned in the past, personally and at staff meeting, that this is considered a voluntary quit. Ms. Bellon had not been requested to go to the police station for fingerprinting as the officer was going to check to see if the package of cigarettes had any fingerprints on it before having Ms. Bellon give a sample.

The record establishes the claimant once again walked off the job without permission from or notification to a supervisor. Since she had been advised more than once this is considered a voluntary quit, the administrative law judge must conclude she had decided to quit for reasons she did not offer at the hearing. This is a quit without good cause attributable to the employer and the claimant is disqualified.

The unemployment insurance law requires benefits be recovered from a claimant who receives benefits and is later denied benefits even if the claimant acted in good faith and was not at fault. However, a claimant will not have to repay an overpayment when an initial decision to award benefits on an employment separation issue is reversed on appeal if two conditions are met: (1) the claimant did not receive the benefits due to fraud or willful misrepresentation, and (2) the employer failed to participate in the initial proceeding that awarded benefits. In addition, if a claimant is not required to repay an overpayment because the employer failed to participate in the initial proceeding, the employer's account will be charged for the overpaid benefits. Iowa Code § 96.3-7-a, -b.

The claimant received benefits but has been denied benefits as a result of this decision. The claimant, therefore, was overpaid benefits.

Because the employer participated in the fact-finding interview, the claimant is required to repay the overpayment and the employer will not be charged for benefits paid.

**DECISION:**

The representative's decision of September 9, 2013, reference 01, is reversed. Hailey Bellon is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible. The claimant is overpaid unemployment benefits in the amount of \$717.00. This must be recovered in accordance with the provisions of Iowa law.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs