

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARLA M FELDHACKER
Claimant

APPEAL NO. 07A-UI-08416-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRINCIPAL LIFE INSURANCE CO
Employer

OC: 07/29/07 R: 02
Claimant: Respondent (2)

Section 96.5(1) – Quit
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, Principal Life Insurance Company (Principal), filed an appeal from a decision dated August 22, 2007, reference 01. The decision allowed benefits to the claimant, Marla Feldhacker. After due notice was issued, a hearing was held by telephone conference call on September 18, 2007. The claimant participated on her own behalf. The employer participated by Assistant Manager Scott D’Attilio.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Marla Feldhacker was employed by Principal from March 28, 2005 until July 19, 2007, as a full-time customer service representative working 10:00 a.m. until 7:00 p.m. She had left work early on July 18, 2007, when she received a call from the woman with whom she and her child were living to say the claimant’s ex-husband had appeared at their door with police officers to enforce the court-ordered visitation. Ms. Feldhacker was distraught, as she believed her ex-husband, and her family, were physically abusing the child and she was “in hiding” until a court date on August 1, 2007.

The claimant left work and did not send an e-mail to Manager Mandy Reed or Assistant Manager Scott D’Attilio, which is the usual procedure. Later that evening she gave her key and employee badge to a friend who dropped them off at the security desk on July 19, 2007, and the security officer notified Mr. D’Attilio, who picked them up. There has been no further communication between the claimant and employer. The claimant felt she had no other recourse but to quit in order to remain in hiding until the court date.

The employer had been aware to a certain degree of the claimant's domestic problems, she had been referred to the appropriate personnel to file for FMLA but it could not be granted, due to lack of specific findings by the necessary health care providers. Ms. Feldhacker's husband had never appeared at the work place, although her family had hired a private investigator to determine her schedule. Corporate security was notified, but nothing the investigator observed or noted violated any of the security provisions of the employer and were apparently related only to activity which could be observed from public areas.

Marla Feldhacker has received unemployment benefits since filing a claim with an effective date of July 29, 2007.

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's domestic situation was traumatic for her and most unfortunate for everyone involved. However, there is nothing in the record to suggest the employer was in anyway responsible for the problem or contributed to it in any way. Corporate security investigated her concerns, but neither the private investigator nor Ms. Feldhacker's ex-husband ever breached any of the secure areas or confronted Ms. Feldhacker in the workplace. Her decision to resign, while based on good personal cause, does not constitute good cause attributable to the employer and the claimant is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's decision of August 22, 2007, reference 01, is reversed. Marla Feldhacker is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$1,906.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw