

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. White was assigned to work full time for Control Container Management on January 14, 2005. It was a long-term assignment with no specific ending date. On August 16, he was called to the office of his supervisor to discuss his attendance. Mr. White was attending school at the time and the employer was attempting to work around his class schedule. He became involved in an argument with the supervisor and was told he had to work the hours available or he could quit. Mr. White was told to leave the supervisor's office. He left the building and did not thereafter return. Continued work would have been available if Mr. White had desired to remain on the assignment.

Mr. White filed an additional claim for job insurance benefits effective August 14, 2005. He was paid \$161.00 in job insurance benefits for each of the four weeks ending September 10, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. White was separated from employment for any disqualifying reason. He abandoned his job when he left work on August 16 and failed to return for available work. Therefore, the separation is considered a voluntary quit. An individual who voluntarily quits employment 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. White left the employment shortly after the discussion with his supervisor about his attendance. An individual who leaves employment after being reprimanded is presumed to have quit for no good cause attributable to the employer. 871 IAC 24.25(28). Mr. White was told he could either work the available hours or leave the employment. By choosing to leave, Mr. White was indicating that he did not want to work the hours being provided. An individual who leaves employment rather than perform assigned work as instructed is presumed to have quit for no good cause attributable to the employer. 871 IAC 24.25(27).

After considering all of the evidence, the administrative law judge concludes that good cause attributable to the employer has not been established. Accordingly, benefits are denied. Mr. White has received benefits since filing his additional claim effective August 14, 2005. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated September 19, 2005, reference 02, is hereby reversed. Mr. White 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. Mr. White has been overpaid \$644.00 in job insurance benefits.

cfc/kjw