

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HAAN, ALLAN, J**  
Claimant

**APPEAL NO. 13A-UI-02629-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AUTOZONERS LLC**  
Employer

**OC: 07/08/12**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the February 28, 2013, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on April 1, 2013. Claimant Allan Haan did not respond to the hearing notice and did not participate. Justin Cole, District Manager represented the employer.

**ISSUE:**

Whether Mr. Hahn's voluntarily quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Allan Haan was employed by AutoZoners, L.L.C., as a full-time commercial sales manager from July 2012 until February 1, 2013, when he voluntarily quit in response to a reprimand. Mr. Haan's immediate supervisor was Manuel Garcia, store manager for the employer's Waterloo store. On February 1, 2013, Mr. Garcia issued a reprimand to Mr. Hahn for leaving work early a few days earlier without Mr. Garcia's express permission. Instead of asking for permission, Mr. Haan had told Mr. Garcia he was leaving early regardless of how Mr. Garcia felt about it. There was a snowstorm on the day that Mr. Haan left early. When Mr. Haan announced that he was leaving early, Mr. Garcia had been about to discuss that very issue with him. Mr. Garcia decided to issue the reprimand on February 1 to clarify that Mr. Haan needed to have his permission before he left work early. When Mr. Garcia initiated the discussion about the reprimand, Mr. Haan responded, "This is bullshit. I'm done with this place." Mr. Haan then handed his store key to Mr. Garcia and exited the store. Mr. Haan did not attempt to return to the employment.

**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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

When a claimant voluntarily quits in response to a reprimand, the quit is presumed to be without good cause attributable to the employer. See Iowa Admin. Code rule 871 – 24.25(28).

Mr. Haan's voluntary quit was indeed in response to a reprimand for leaving work early without his supervisor's permission. Mr. Haan's voluntarily quit in response to the reprimand was without good cause attributable to the employer. Accordingly, Mr. Haan is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

Iowa Code section 96.3(7) provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. The overpayment recovery law was updated in 2008. See Iowa Code section 96.3(7)(b). Under the revised law, a claimant will not be required to repay an overpayment of benefits if all of the following factors are met. First, the prior award of benefits must have been made in connection with a decision regarding the claimant's separation from a particular employment. Second, the claimant must not have engaged in fraud or willful misrepresentation to obtain the benefits or in connection with the Agency's initial decision to award benefits. Third, the employer must not have participated at the initial fact-finding proceeding that resulted in the initial decision to award benefits. If Workforce Development determines there has been an overpayment of benefits, the employer will not be charged for the benefits, regardless of whether the claimant is required to repay the benefits.

Because the claimant has been deemed ineligible for benefits, any benefits the claimant has received would constitute an overpayment. Accordingly, the administrative law judge will remand the matter to the Claims Division for determination of the amount of the overpayment and whether the claimant will have to repay the overpaid benefits.

**DECISION:**

The agency representatives February 28, 2013, reference 01, decision is reversed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in a been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

This matter is remanded to the Claims Division for determination of the amount of the overpayment and whether the claimant will have to repay the overpaid benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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