

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

FARAS G MAHOUNGOU
Claimant

APPEAL 22A-UI-07309-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

**OC: 01/10/21
Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Admin. Code r. 871-23.43(9)a – Combined Wage Claim Relief of Charges

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the March 10, 2022 (reference 01) unemployment insurance decision that found the employer cannot be relieved of charges based on benefits paid by another state. The parties were properly notified of the hearing. A telephone hearing was held on May 4, 2022. The claimant did not participate. The employer participated by Jessica Segner, Claims Specialist. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Can the Iowa employer be relieved of benefit charges on the combined wage claim?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for the employer as a full-time production worker on September 16, 2019. Employer does have a written employee handbook. Claimant received on the job training when he was hired.

Claimant voluntarily left the employment on October 19, 2019. Claimant indicated that he was seeking other employment, but he did not inform employer whether he had accepted an offer of work or where he might be employed. Employer had continuing work available to claimant.

After claimant voluntarily left the employment, he filed a combined wage claim in Illinois, but earned wages from this Iowa employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer.

Iowa Admin. Code r. 871-23.43(9)(a) and (b) provide:

Combined wage claim transfer of wages.

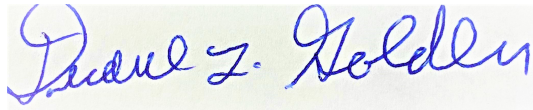
a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20 will be liable for charges for benefits paid by the out-of-state paying state. No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

b. The Iowa employer whose wage credits have been transferred and who has potential liability will be notified that the wages have been transferred, the state to which they have been transferred, and the mailing address to which a protest of potential charges may be mailed. This protest must be postmarked or received by the department within ten days of the date on the notice to be considered as a timely protest of charges. If the protest from either the reimbursable or contributory employer justifies relief of charges, charges shall go to the balancing account.

The employer shall be relieved of charges on this combined wage claim since it met its burden of proof in establishing disqualification of benefits because claimant voluntarily left the employment, and work was available. It would have been relieved of charges based upon this fact scenario on an Iowa claim.

DECISION:

The March 10, 2022 (reference 01) unemployment insurance decision is reversed. The account of the employer shall be relieved of charges based on benefits paid by another state. Charges shall go to the balancing account.



Duane L. Golden
Administrative Law Judge

June 3, 2022
Decision Dated and Mailed

dlg/kmj