

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFF A STROUD**

Claimant

**APPEAL NO. 07A-UI-01302-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND RESTAURANT CORP**

Employer

**OC: 12/17/06 R: 04  
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit  
Section 96.6(2) – Timeliness of Protests

**STATEMENT OF THE CASE:**

Heartland Restaurant Corporation filed an appeal from a representative's decision dated January 29, 2007, reference 06, which held that the protest to Jeff Stroud's claim was not timely filed. After due notice was issued, a hearing was held by telephone on February 20, 2007. The employer participated by Chad Rada, Manager. Mr. Stroud did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether the employer filed a timely protest and, if so, whether Mr. Stroud was separated from employment for any disqualifying reason.

**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. Stroud filed a claim for job insurance benefits effective December 17, 2006. Notice of the claim was mailed to the employer's authorized representative on January 5, 2007. The employer's representative sent a response on January 16, 2007, indicating that details of the separation were not yet available. A subsequent response was sent on January 17, 2007, indicating Mr. Stroud had abandoned his job. Iowa Workforce Development received the correspondence of January 17 but not that of January 16.

Mr. Stroud began working for Heartland Restaurant Corporation, doing business as Cheddars, on May 15, 2006. He was to work 20 to 25 hours each week as a cook. His last day of work was May 31 and he was next scheduled to work on June 5. Mr. Stroud's wife called on June 5 to report that he would be absent due to illness. She was told to notify the employer if her husband found he could not work on June 6. Mr. Stroud did not report for work on June 6 or thereafter and no one acting on his behalf contacted the employer. Continued work would have been available if he had continued reporting for work or had notified the employer of his intentions.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes that the employer filed a timely protest to the claim. The initial filing on January 16, 2007 was timely as required by Iowa Code section 96.6(2). Through no fault of the employer, the initial protest was not received by Workforce Development. For the above reasons, the administrative law judge concludes that Workforce Development has jurisdiction over the separation issue.

Mr. Stroud abandoned his job when he stopped reporting for available work after June 5, 2006. As such, his 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. Stroud did not participate in the hearing to explain why he stopped going to work. Inasmuch as the evidence of record does not establish any good cause attributable to the employer for the separation, benefits are denied.

No overpayment results from this reversal of the prior allowance, as Mr. Stroud has not been paid benefits on his claim filed effective December 17, 2006. He may have had other work since leaving Cheddars. It is his responsibility to present proof of his subsequent wages to Workforce Development so that a decision can be made as to whether he has requalified for benefits.

**DECISION:**

The representative's decision dated January 29, 2007, reference 06, is hereby reversed. The employer filed a timely protest to the claim. Mr. Stroud 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw