

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA A SCHUSTER

Claimant

APPEAL NO: 14A-UI-04014-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

IA DEPT OF JUDICIAL ADMINISTRATION

Employer

OC: 10/06/13

Claimant: Appellant (2)

871 IAC 24.32(5) – Trail Employment Period

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 9, 2014, reference 04, that held she voluntarily quit without good cause attributable to her employer on March 6, 2014, and benefits are denied. A telephone hearing was held on May 6, 2014. The claimant participated. Clay Gavin, Supervisor, participated for the employer. Employer Exhibit One was received as evidence.

ISSUE:

Whether claimant's employment separation makes her eligible for benefits.

FINDINGS OF FACT:

The administrative law judge having heard the stipulation of the evidence in the record finds: The claimant was hired as a six-month probationary employee on December 20, 2013 and last worked for the employer as a judicial clerk on March 6, 2014. The employer ended claimant's job because she did not satisfy the probationary period. The employer does not contest claimant's benefit eligibility.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Iowa Admin. Code r. 871-24.32(6) provides:

(6) False work application. When a willfully and deliberately false statement is made on an Application for Work form, and this willful and deliberate falsification does or could result in endangering the health, safety or morals of the applicant or others, or result in

exposing the employer to legal liabilities or penalties, or result in placing the employer in jeopardy, such falsification shall be an act of misconduct in connection with the employer.

The administrative law judge concludes the employer ended claimant's employment because she did not satisfy her probationary period effective March 6, 2014

DECISION:

The department decision dated April 9, 2014 reference 04 is reversed. The employer ended claimant's employment for no disqualifiable reason on March 6, 2014. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs