

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT D ELLENWOOD
Claimant

APPEAL NO. 10A-UI-11002-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDH SERVICES WEST LLC
Employer

OC: 06/20/10
Claimant: Respondent (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated July 27, 2010, reference 02, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on September 23, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Tom Singer participated in the hearing on behalf of the employer.

ISSUES:

Was the claimant's separation from employment a quit or a discharge?
Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a production worker in Nationwide Insurance cafeteria from April 11, 2008, to June 4, 2010. His supervisor was Troy Wissig. The general manager is Tom Singer.

At the end of March 2010, the claimant submitted a written resignation to be effective June 1, 2010, because he had taken a job with the Iowa Cubs baseball team. In April 2010, the claimant lost his job with the Iowa Cubs. He informed Wissig about losing the job with the Iowa Cubs and asked if he could continue working for the employer. Wissig told him that he still had a job with the employer.

The claimant worked for the employer until June 4, 2010, when Wissig informed him that Singer had instructed Wissig to notify the claimant that June 4 was his last day of work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant's testimony that he informed his supervisor that he had lost his job with the Iowa Cubs and was assured by his supervisor that he still had a job with the employer. As a result, the claimant was allowed to rescind his resignation. The employer terminated the claimant when he was told June 4 was his last day. No misconduct has been proven in this case. For some reason, the claim filed by the claimant effective June 20, 2010, was locked. The Agency is instructed to unlock the claim unless there was some other reason for it being locked for the few weeks the claimant applied for benefits.

DECISION:

The unemployment insurance decision dated July 27, 2010, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs