

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUSTIN B GORLA
Claimant

APPEAL NO. 11A-UI-08838-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALKERS INC
Employer

OC: 05/22/11
Claimant: Respondent (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Walkers, Inc. (Walkers), filed an appeal from a decision dated June 24, 2011, reference 01. The decision allowed benefits to the claimant, Justin Gorla. After due notice was issued, a hearing was held by telephone conference call on July 27, 2011. The claimant participated on his own behalf and with Matt Falkstrom. The employer participated by Director of Sales and Service Neal Lemonds.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Justin Gorla was employed by Walker's from July 3, 2010 until May 25, 2011 as a full-time route sales driver. On April 11, 2011, the claimant submitted two weeks' notice to his supervisor, Matt Falkstrom. He was upset because he believed he had been underpaid for the prior week. Mr. Falkstrom contacted Director of Sales and Service Neal Lemonds to report the resignation. The director asked if he could persuade Mr. Gorla to stay and the supervisor said he would try.

That same day, Mr. Gorla and Mr. Falkstrom talked about the resignation and the claimant acknowledged he had misunderstood the nature of his employment. He had thought he was a salaried employee, but he was actually an hourly employee. His paycheck was "short" because he had missed a day of work without any vacation to cover the hours and so he was not paid for the time he did not work. The supervisor asked if he would reconsider his resignation and he said he would think about it.

On Wednesday, April 13, 2011, Mr. Lemonds notified Mr. Falkstrom that the branch office where he and Mr. Gorla worked was being closed. The next day Mr. Gorla rescinded his resignation and the director was notified. Mr. Lemonds said to "let him stay." The employer apparently meant for the claimant to stay as a short-time, as-needed employee, but Mr. Gorla continued to work his full-time hours and perform all of his regular route duties up until the branch was closed.

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.

The record establishes the claimant was allowed to rescind his resignation and continue working until the branch location closed. His separation from employment was therefore a layoff due to a reduction in force. This is not a disqualifying separation and benefits are allowed.

DECISION:

The representative's decision of June 24, 2011, reference 01, is affirmed. Justin Gorla` is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw