

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD D REED
Claimant

APPEAL NO. 11A-UI-10615-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

OC: 07/10/11
Claimant: Respondent (2-R)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated August 2, 2011, reference 01, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 7, 2011. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Tom Kuiper participated in the hearing on behalf of the employer with a witness, Brian Chatham.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full-time as a security officer for the employer from January 6, 2010, to July 6, 2011. His post was at the Menard's store in Ankeny, Iowa.

On July 6, 2011, the claimant asked a Menard's employee to cover his post while he went to get lunch at a local fast food restaurant. The claimant never returned to work. The client called the branch manager to let him know that the claimant had not returned to work. The branch manager contacted the claimant to find out what was going on. The claimant stated that he was "not going back to work there anymore." He did not explain why he was leaving work and had no interest in other assignments.

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 10, 2011. He filed for and received a total of \$1,528.00 in unemployment insurance benefits for the weeks between July 10 and September 3, 2011.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The evidence establishes that the claimant abandoned his job without notice to the employer. Since he did not participate in the hearing, his reasons for leaving employment are unknown. Good cause attributable to the employer has not been shown.

The unemployment insurance law requires benefits to be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. But the overpayment will not be recovered when an initial determination to award benefits is reversed on appeal on an issue regarding the claimant's employment separation if: (1) the benefits were not received due to any fraud or willful misrepresentation by the claimant and (2) the employer did not participate in the initial proceeding to award benefits. The employer will not be charged for benefits whether or not the overpayment is recovered. Iowa Code § 96.3-7. In this case, the claimant has received benefits but was ineligible for those benefits. The matter of deciding the amount of the overpayment and whether the overpayment should be recovered under Iowa Code § 96.3-7-b is remanded to the Agency.

DECISION:

The unemployment insurance decision dated August 2, 2011, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The matter of deciding the amount of the overpayment and whether the overpayment should be recovered under Iowa Code § 96.3-7-b is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw