

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN R MORELOCK
Claimant

APPEAL NO: 12A-UI-00806-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CNE LTD
Employer

OC: 07/03/11
Claimant: Respondent (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's January 19, 2012 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit for reasons that qualify her to receive benefits. The claimant responded to the hearing notice, but was not available for the hearing. The claimant did not call the Appeals Section again to participate in the hearing. Jessica Koenig appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients on November 11, 2011. The employer assigned the claimant to a job on November 14, 2011. The job was a long-term job as a machine operator.

The job paid \$12 an hour during the claimant's training week. After the claimant finished one week of training, she worked third shift and earned \$13 an hour. The claimant submitted her resignation notice December 5, 2011. The employer did not know why the claimant quit. The assignment had not been completed and the claimant could have continued working.

The claimant established a claim for benefits during the week of July 3, 2011. She reopened her claim the week of December 4, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit when she submitted her resignation notice. When a claimant quits, she has the burden to establish she quit for reasons that qualified her to receive benefits. Iowa Code § 96.6(2).

The claimant may have had compelling reasons for quitting, but the evidence does not establish that she quit or resigned for reasons that qualify her to receive benefits. As of December 4, 2011, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits she may have received since December 4, 2011, will be remanded to the Claims Section to determine.

DECISION:

The representative's January 19, 2012 determination (reference 02) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 4, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw