

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI L POINTS
Claimant

APPEAL NO. 08A-UI-10486-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 08/24/08 R: 12
Claimant: Respondent (2)

871 IAC 23.43(9)2 – Relief of Charges

STATEMENT OF THE CASE:

The employer, Hy-Vee, filed an appeal from a decision dated October 30, 2008, reference 01. The decision allowed benefits to the claimant, Lori Points. After due notice was issued a hearing was held by telephone conference call on November 24, 2008. The claimant participated on her own behalf. The employer participated by Produce Manager Mike Rollins, Employer Representative Stacey Tinkham, and was represented by Unemployment Insurance Services in the person of Tim Speir.

ISSUE:

The issue is whether the employer's account may be relieved of charges.

FINDINGS OF FACT:

Lori Points was employed by Hy-Vee from March 27, 2007, until July 7, 2007 as a part-time produce clerk. On July 7, 2007, Produce Manager Mike Rollins had spoken with her informally about the productivity goals in the department and encouraged her to work more efficiently to help in meeting those goals. Shortly after the meeting she notified him she was quitting because she had "too much going on right now" and it was "not going to work out." She had problems in her personal life which she knew were interfering with her ability to do her job satisfactorily.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to

establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

The claimant quit because personal problems were making it difficult for her to work to the best of her ability. While this is regrettable, it does not constitute good cause attributable to the employer for quitting. The employer's account would be relieved of charges in the state of Iowa.

DECISION:

The representative's decision of October 30, 2008, reference 01, is reversed. The account of Hy-Vee, Inc., would be relieved of charges on an Iowa claim.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs