

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CHRISTINE R COLLINGWOOD
320½ WASHINGTON ST
LISBON IA 52253

EXECUTIVE HOME CARE INC
2115 NTOWN LN NE
CEDAR RAPIDS IA 52402-1913

Appeal Number: 04A-UI-01770-HT
OC: 305/18/03 R: 03
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The employer, Executive Home Care, Inc. (Home Care), filed an appeal from a decision dated February 11, 2004, reference 04. The decision allowed benefits to the claimant, Christine Collingwood. After due notice was issued a hearing was held by telephone conference call on March 9, 2004. The claimant participated on her own behalf. The employer participated by Operations Manager Dana Thies.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Christine Collingwood was employed by Home Care from August 13, 2003 until January 2, 2004. She was a full-time receptionist working 8:00 a.m. until 4:30 p.m. and earning \$8.75 per hour.

On October 30, 2003, the claimant was notified the receptionist position was being eliminated and the employer intended to hire an office manager. She applied for the position but on December 10, 2003, was informed by Operations Manager Dana Thies another person had been hired for the job. Ms. Collingwood worked until January 2, 2004, as the receptionist when the new office manager took over.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

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 claimant was laid off because her position was eliminated and she was not chosen to fill the job as office manager. This is an involuntary separation and disqualification may not be imposed.

DECISION:

The representative's decision of February 11, 2004, reference 04, is affirmed. Christine Collingwood is qualified for benefits, provided she is otherwise eligible.

bgh/b