

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER D CARPENTER
Claimant

APPEAL NO. 08A-UI-02083-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AID ENTERPRISES
Employer

**OC: 12/09/07 R: 01
Claimant: Respondent (2)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, AID Enterprises, filed an appeal from a decision dated February 28, 2008, reference 02. The decision allowed benefits to the claimant, Christopher Carpenter. After due notice was issued, a hearing was held by telephone conference call on March 17, 2008. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Co-Owner Terry Dunphy.

ISSUE:

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

FINDINGS OF FACT:

Christopher Carpenter was employed by AID Enterprises from July 1 until December 7, 2007, as a part-time laborer. The job was seasonal, but he did not show up to work after December 7, 2007, even though continuing work was available to him.

Christopher Carpenter has received unemployment benefits since filing a claim with an effective date of December 9, 2007.

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 claimant refused to continue working for the employer after December 7, 2007. As he did not participate in the hearing, the record does not establish why he did not return to work. Under the provisions of Chapter 96.5(1), the claimant has the burden of proof and he has not

sustained that burden to show he had good cause attributable to the employer for voluntarily quitting his employment. He is therefore disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's decision of February 28, 2008, reference 02, is reversed. Christopher Carpenter is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$2,455.17.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw