

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACY T VAN DAM
Claimant

APPEAL NO. 13A-UI-11557-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAPLES CONTRACT AND COMMERCIAL
Employer

OC: 09/08/13
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

Section 96.3-7 – Recovery of Overpayment of Benefits, Employer Chargeability for
non participation at Fact Finding

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated October 4, 2013, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 6, 2013. Claimant participated with witness Theresa Van Dam. Employer participated by Matt Gaul, Human Resource Manager; Amy Vanderbroek, Plant Manager and Cindy Christensen, Production Assistant. Exhibit One was admitted into evidence.

ISSUE:

The issues in this matter are whether the claimant quit for good cause attributable to the employer, whether claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 6, 2013. Claimant walked off the job about 24 minutes early on September 6. Claimant was upset over the job duties and potential violations of her work restrictions. Claimant walked off the job without giving notice to her employer. Claimant had a clean record of employment. Employer has no well defined policy on walking off the job without notice. Claimant returned to work the next day but was not allowed in as employer deemed her to have quit.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to the employer when employer terminated the employment relationship because employer took a walk out as a quit. Claimant's return to work the next work day indicates that claimant did not quit. This is a single incident of unexcused absenteeism on a clean record of employment. This is not a voluntary quit. As such this is a separation for good cause attributable to employer. Benefits allowed.

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.

DECISION:

The decision of the representative dated October 4, 2013, reference 01, is affirmed. Unemployment insurance benefits shall be allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs