

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JO-ANN TRUSEWICZ
Claimant

APPEAL NO. 07A-UI-08927-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEDAR VALLEY HUMANE SOCIETY
Employer

**OC: 08/26/07 R: 12
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Cedar Valley Humane Society filed an appeal from a representative's decision dated September 18, 2007, reference 01, which held that no disqualification would be imposed regarding Jo-Ann Trusewicz' separation from employment. After due notice was issued, a hearing was held by telephone on October 3, 2007. The employer participated by Susan Manson, Co-Director. Ms. Trusewicz did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Trusewicz was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Trusewicz was employed by the Cedar Valley Humane Society for approximately ten months ending August 9, 2007. She worked approximately 25 hours each week as a kennel worker. Ms. Trusewicz was given permission to take the morning of April 4 off for a court appearance. She did not report to work that afternoon or notify the employer of her intentions. She was absent from scheduled work without notice on April 5.

Ms. Trusewicz was next scheduled to work on April 9. When she reported for work, her supervisor began questioning her as to why she had not been at work the afternoon of April 4 and on April 5. Rather than offer an explanation, Ms. Trusewicz announced that she was quitting. She did not give a reason as to why she was quitting. Continued work would have been available if she had not quit.

Ms. Trusewicz filed a claim for job insurance benefits effective August 26, 2007. She has received a total of \$519.00 in benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

The evidence establishes that Ms. Trusewicz voluntarily quit her employment. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Trusewicz did not give the employer a reason for quitting. She quit immediately when questioned regarding her absences of the prior week. The administrative law judge concludes that she quit because of a reprimand. An individual who leaves employment after being reprimanded is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(28). Inasmuch as the evidence does not establish any other reason for the quit, benefits are denied.

Ms. Trusewicz has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated September 18, 2007, reference 01, is hereby reversed. Ms. Trusewicz voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Trusewicz has been overpaid \$519.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css