

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN J BRADLEY
Claimant

APPEAL NO: 11A-UI-15605-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY
Employer

OC: 11/06/11
Claimant: Respondent (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's November 29, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Aureliano Diaz, the human resource manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in November 2007. He worked full-time. Prior to October 28, 2011, the claimant's job was not in jeopardy.

On October 28, 2011, the claimant walked off the job and turned in all of his equipment. The employer does not know why the claimant walked off the job and did not return to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he left employment for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

When the claimant walked off the job on October 28 and did not return to work again, he quit his employment. The claimant may have had compelling reasons for quitting, but the evidence does not establish why he quit. Since the claimant did not participate in the hearing, he did not establish that he quit for reasons that qualify him to receive benefits. As of November 6, 2011, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits he has received since November 6, 2011, will be remanded to the Claims Section to determine.

DECISION:

The representative's November 29, 2011 determination (reference 01) is reversed. The claimant voluntarily quit his employment, but the evidence does not establish that he quit for reasons that qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 6, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits he has received since November 6, 2011, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw