

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA D ARROWOOD
Claimant

APPEAL NO: 11A-UI-14480-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIZZA HUT
Employer

OC: 10/09/11
Claimant: Respondent (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's October 27, 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 her employment for reasons that qualify her to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Sara Lewis, the general 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 her employment for reasons that qualify her to receive benefits or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant had been working at another location when she transferred to Lewis' store in April 2011. The claimant worked as a part-time server. She had been working about nine years for the employer.

The last day the claimant worked was October 3. The employer received information the claimant was drinking on the job on October 3. Lewis talked to the claimant about this report on October 4. Lewis gave the claimant a verbal warning and told her that for that week her hours would be reduced. The employer reduced her hours that week because Lewis had to talk to management about the situation and decide if the claimant should be discharged. After Lewis talked to her supervisor, the employer decided to monitor the claimant and give her another opportunity since she had worked nine years for the employer.

On October 5, the claimant came to work and apologized to Lewis for what she had done. The claimant then gave Lewis the keys to the store and resigned. If the claimant had not resigned on October 5, she could have continued working for the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). Based on the evidence presented during the hearing, the claimant voluntarily quit her employment on October 5, 2011. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The facts do not establish the claimant quit for reasons that qualify her to receive benefits. Therefore, as of October 9, 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 will be remanded to the Claims Section to determine.

DECISION:

The representative's October 27, 2011 determination (reference 01) is reversed. The claimant quit, but the evidence does not establish she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 9, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she 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 is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs