

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

KEVIN D WOODS  
6800 SW 9<sup>TH</sup> #16  
DES MOINES IA 50315

OCB RESTAURANT COMPANY  
c/o TALX EMPLOYER SERVICES  
PO BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-01244-CT  
OC: 01/01/06 R: 02  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

OCB Restaurant Company filed an appeal from a representative's decision dated January 23, 2006, reference 01, which held that no disqualification would be imposed regarding Kevin Woods' separation from employment. After due notice was issued, a hearing was held by telephone on February 20, 2006. The employer participated by Michelle Ward, General Manager, and was represented by Carol Weidinger of Talx Employer Services. Mr. Woods did not respond to the notice of hearing.

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: Mr. Woods was employed by Old Country Buffet from March 7 until December 10, 2005 as a full-time kitchen shift leader. His last day of work was December 10. He was presumed to have quit when he failed to report for scheduled work or to contact the employer at any point after December 10. Although he had been disciplined regarding his attendance, continued work would have been available for Mr. Woods if he had not quit.

Mr. Woods has been paid a total of \$834.00 in job insurance benefits since filing his claim effective January 1, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Woods was separated from employment for any disqualifying reason. He abandoned his job when he stopped reporting for available work without notice to the employer. 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). Mr. Woods did not participate in the hearing to explain why he stopped reporting for work. The evidence of record does not establish any good cause attributable to the employer for the separation. Accordingly, benefits are denied.

Mr. Woods has received benefits since filing his 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 January 23, 2006, reference 01, is hereby reversed. Mr. Woods voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Woods has been overpaid \$834.00 in job insurance benefits.

cfc/s