

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD G BENEDICT
Claimant

APPEAL NO: 12O-UI-06843-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 11/27/11
Claimant: Respondent (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's December 30, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. A hearing was held on February 8, 2012. Based on testimony presented by the parties, an administrative law judge concluded the claimant was not qualified to receive benefits. See decision for appeal 12A-UI-00197-H2T. The claimant appealed this decision to the Employment Appeal Board. When the audio file of the hearing could not found, the Employment Appeal Board remanded this case to the Appeals Section for a new hearing.

Hearing notices were mailed to the parties on July 16. The claimant did not respond to this hearing notice and did not participate at the August 6 hearing. Heidi Pringle, a senior staffing specialist, participated at the hearing on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge determines the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant began working for the employer's clients in October 2010. The claimant began his most recent assignment in January 2011. On November 10, 2011, the claimant walked off the job assignment after becoming frustrated with a co-worker. The claimant did not report problems with any co-worker to the employer or the client. If the claimant had not walked off this job, there was continuing work for him to do. When the claimant walked off the job without authorization, he was not eligible to be assigned to another job.

The claimant established a claim for benefits during the week of November 27, 2011. The claimant has filed for and received benefits since November 27, 2011.

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 or an employer discharge him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The evidence establishes the claimant quit when he walked off his job on November 10, 2011. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant may have had compelling personal reasons for walking off the job and quitting on November 10. The evidence presented at the hearing does not establish that he quit for reasons that qualify him to receive benefits. Therefore, as of November 27, 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 December 30, 2011 determination (reference 01) is reversed. The claimant voluntarily quit his employment by walking off the job on November 10, 2011. The claimant quit for personal reasons, but did 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 27, 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 issues of overpayment and whether the claimant is eligible for a waiver of any overpayment are **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css