

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WHITNEY R LEE
Claimant

APPEAL NO. 09A-UI-10825-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEAVER ENTERPRISES LTD
Employer

OC: 12/14/08
Claimant: Respondent (4)

Section 96.5(1)g – Voluntary Quit/Requalification
Section 96.6(2) – Timeliness of Protests

STATEMENT OF THE CASE:

Weaver Enterprises, Ltd. filed an appeal from a representative's decision dated July 24, 2009, reference 04, which held that the protest to Whitney Lee's claim was not filed timely. After due notice was issued, a hearing was held by telephone on August 13, 2009. The employer participated by Terry Moffitt, Director of Operations. Ms. Lee did not respond to the notice of hearing.

ISSUE:

The first issue is whether the employer filed a timely protest to Ms. Lee's claim. If the protest is found to be timely, the issue then becomes whether she was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Lee filed a claim effective December 14, 2008. Notice of the claim was mailed to the employer at its address of record on December 16, 2008. The employer submitted a protest by fax on December 13, 2008. The protest was not received by Workforce Development. The employer subsequently re-filed its protest on June 20, 2009.

Ms. Lee began working for Weaver Enterprises, Ltd. on March 15, 2008. She worked approximately 20 hours each week as a crew member. She did not report for work or contact the employer after her last day of work on July 11, 2008. She had not complained about any work-related matters before quitting. Continued work would have been available if she had not quit.

Ms. Lee has earned at least ten times her weekly job insurance benefit amount in insured wages since her separation from Weaver Enterprises, Ltd.

REASONING AND CONCLUSIONS OF LAW:

An employer has ten days in which to protest a claim for job insurance benefits. Iowa Code section 96.6(2). The fax transmission report offered by the employer establishes to the satisfaction of the administrative law judge that the employer did, in fact, file a protest on December 23, 2008. Through no fault of the employer, the protest was not received by Workforce Development. For the above reasons, the protest shall be deemed timely filed. As such, the administrative law judge has jurisdiction over the separation issue.

The evidence establishes that Ms. Lee abandoned her job when she stopped reporting for available work without notice to the employer. As such, the separation was a voluntary quit. An individual who leaves employment voluntarily 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. Lee did not participate in the hearing to explain why she stopped reporting to work. The evidence of record does not establish any good cause attributable to the employer for the separation. As such, benefits are denied.

Ms. Lee has re-qualified for job insurance benefits since her separation from Weaver Enterprises, Ltd. As such, she is entitled to benefits but the employer's account will not be charged for such benefits.

DECISION:

The representative's decision dated July 24, 2009, reference 04, is hereby reversed and modified. The employer filed a timely protest to Ms. Lee's claim. She voluntarily quit her employment for no good cause attributable to the employer but has subsequently re-qualified for benefits by earning insured wages equal to ten times her weekly job insurance benefit amount. Benefits are allowed, provided she is otherwise eligible, but shall not be charged to Weaver Enterprises, Ltd.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css