

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**YAISHA J MARSHALL**  
Claimant

**APPEAL 21A-UI-04188-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BORDER FOODS OF IOWA LLC**  
Employer

**OC: 04/19/20**  
**Claimant: Respondent (2R)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

On January 29, 2020, the employer filed an appeal from the January 21, 2021, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 30, 2021. Claimant did not register for the hearing and did not participate. Employer participated through general manager Sarah Cline. Employer's Exhibit 1 was received.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?  
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Can charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on June 27, 2020. Claimant last worked as a part-time team member. Claimant was separated from employment on August 25, 2020, when she abandoned the job.

Claimant was scheduled to work on August 30, August 31, and September 1, 2020. Claimant did not report she would be absent and did not appear for work. Employer did not hear from claimant again.

Claimant has not received any benefit payments since separating from employment with this employer. However, during the time claimant worked for this employer, she continued to file weekly claims for benefits and received benefits and failed to report any wages.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Claimant's leaving the employment without notice or reason, and the failure to return to work renders the separation job abandonment without good cause attributable to the employer.

Claimant has not received any benefits since her separation from employment, so the issues regarding overpayment will not be discussed further.

However, this matter will be remanded to the Investigation and Recovery Unit for an investigation of claimant's failure to report wages while filing for unemployment insurance benefits.

**DECISION:**

The January 21, 2021, (reference 03) unemployment insurance decision is reversed. Claimant resigned without good cause attributable to employer. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

**REMAND:**

This matter is remanded to the Investigation and Recovery Unit of Iowa Workforce Development for an investigation regarding claimant's failure to report wages while receiving unemployment insurance benefits from June 27, 2020, through August 25, 2020.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

April 01, 2021  
Decision Dated and Mailed

cal/ol

***Note to Claimant:***

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.