

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMARA L DONNELLY
Claimant

APPEAL NO. 07A-UI-02747-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELECTRONIC DATA SYSTEMS CORP
Employer

**OC: 02/11/07 R: 02
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

Electronic Data Systems Corporation (EDS) filed an appeal from a representative's decision dated March 6, 2007, reference 01, which held that no disqualification would be imposed regarding Tamara Donnelly's separation from employment. After due notice was issued, a hearing was held by telephone on April 4, 2007. Ms. Donnelly participated personally. The employer participated by Julia Beener, Customer Service Supervisor, and was represented by David Williams of TALX Corporation.

ISSUE:

At issue in this matter is whether Ms. Donnelly was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Donnelly began working for EDS in August of 2006 as a full-time customer service representative. She last worked on January 20, 2007. She was next scheduled to work on January 22 but did not report for work or contact the employer. The employer attempted to reach her by telephone but her number was not in service.

When the employer had not heard from Ms. Donnelly, a letter was sent to her on March 22, 2007 by certified mail, return receipt requested. She did not receive the letter. Continued work would have been available for Ms. Donnelly if she had continued reporting for work or had notified the employer of her intentions.

Ms. Donnelly filed a claim for job insurance benefits effective February 11, 2007. She has received a total of \$1,848.00 in benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Ms. Donnelly abandoned her job when she stopped reporting for available work. 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). Having taken the position that she was discharged, Ms. Donnelly did not offer any reason as to why she would quit. The evidence of record does not establish any good cause attributable to the employer for the quit.

Ms. Donnelly contended that she gave notice on January 20 that she was going out of town for her uncle's funeral in Ottumwa, Iowa. Her testimony was conflicting as to when she said she would return to work. She also testified that she reported to work on January 31 and was discharged because she had not been at work on January 29. The administrative law judge is not inclined to believe the customer service supervisor would not have been aware of her discharge. Moreover, Ms. Donnelly was not in danger of losing her employment due to attendance. She would have to have been on a 60-day attendance plan before being discharged because of attendance. She was not on such a plan.

The administrative law judge concludes from all of the evidence that Ms. Donnelly voluntarily quit her employment for no good cause attributable to the employer. Accordingly, benefits are denied. Ms. Donnelly has received benefits since filing her 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 March 6, 2007, reference 01, is hereby reversed. Ms. Donnelly voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Donnelly has been overpaid \$1,848.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css