

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L LOWES
Claimant

APPEAL NO: 09A-UI-05403-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEST BUY STORES LP
Employer

OC: 03/08/09
Claimant: Respondent (2/R)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Best Buy Stores LP (employer) appealed a representative's March 27, 2009 decision (reference 01) that concluded Jennifer L. Lowers (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment separation was for non disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 21, 2009. The claimant did not respond to the hearing notice or participate in the hearing. Cheryl Rothmeir, a TALX representative, appeared on the employer's behalf with Brandon Pickup, the operations manager, who testified on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on November 8, 2007. She worked as a part-time associate. The claimant told the employer she was going to resign because she had some personal issues with some co-workers. The claimant also wanted time off to get married. The claimant had time off October 8 through 14, 2008. The employer tried to get the claimant's resignation in writing, but she did not provide a written notice to the employer. Although the claimant was scheduled to work after October 21, she did not report to work after October 21, 2008.

The claimant established a claim for benefits during the week of March 8, 2009. The claimant filed for and received benefits for the week ending March 14, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1. 2-a. The facts indicate the claimant voluntarily quit her employment when she told the employer she was resigning and then did not report to work after October 21.

The claimant may have had compelling reasons for quitting. Since the claimant did not participate at the hearing, the facts do not establish that the claimant quit for reasons that qualify her to receive benefits. As of March 8, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment is remanded to the Claims Section.

DECISION:

The representative's March 27, 2009 decision (reference 01) is reversed. The employer did not discharge the claimant. Instead, the claimant quit her employment on October 21, 2008, for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 9, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs