

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AARON P MAHER
Claimant

APPEAL NO: 14-UI-11796-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXIDE TECHNOLOGIES
Employer

OC: 09/21/14
Claimant: Respondent (2)

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's November 7, 2014 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit for reasons that qualify him to receive benefits. The claimant did not respond to the hearing notice or participate at the December 5 hearing. Greg Bell, the plant manager, Terry Gorason and Daryl Eggers appeared on the employer's behalf. Fred Gilbert observed the hearing. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits and has been overpaid \$56 in benefits.

ISSUES:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

Has the claimant been overpaid any benefits?

If the claimant has been overpaid, is he responsible for paying back the overpayment?

FINDINGS OF FACT:

The claimant started working for the employer in late May 2014. The employer hired him to work full time as a second shift stacker operator.

The claimant reported to work on August 14, 2014. His machine was not working correctly and he became frustrated. Before the claimant walked off the job, he told a co-worker that it had been nice working with him. The claimant did not talk to his supervisor or anyone in management before he left work. He did not return to work or contact the employer again.

The claimant established a claim for benefits during the week of September 21, 2014. He filed a claim for benefits for the week ending November 8, 2014. He received a gross benefit payment of \$56 for this week. The employer did not participate at the fact-finding interview.

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. Iowa Code § 96.5(1). The claimant voluntarily quit when he walked off the job on August 14, 2014, and did not return. 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 did not give the employer any reasons for quitting. The evidence does not establish that he quit for reasons that qualify him to receive benefits. As of September 21, 2014, the claimant is not qualified to receive benefits.

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3(7). Based on this decision, the claimant has been overpaid \$56 in benefits he received for the week ending November 8, 2014.

The unemployment insurance law requires benefits be recovered from a claimant who receives benefits and is later denied benefits even if the claimant acted in good faith and was not at fault. However, a claimant will not have to repay an overpayment when an initial decision to award benefits on an employment separation issue is reversed on appeal if two conditions are met: (1) the claimant did not receive the benefits due to fraud or willful misrepresentation, and (2) the employer failed to participate in the initial proceeding that awarded benefits. In addition, if a claimant is not required to repay an overpayment because the employer failed to participate in the initial proceeding, the employer's account will be charged for the overpaid benefits. Iowa Code § 96.3(7)a,-b. The evidence indicates the employer did not participate at the fact-finding interview. Even though the employer is not a base period employer, the claimant is not required to pay back the \$56 overpayment.

DECISION:

The representative's November 7, 2014 determination (reference 01) is reversed. The claimant voluntarily quit his employment, but did not establish he quit for reasons that qualify him to receive benefits. As of August 10, 2014, the claimant is disqualified from receiving unemployment insurance benefits. 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.

Based on this decision, the claimant has been overpaid \$56 in benefits he received for the week ending November 8, 2014. The claimant is not required to pay back the \$56 overpayment.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs