

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAROLD R MILLER
Claimant

APPEAL NO. 07A-UI-05857-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEAKER PAINTING INC
Employer

**OC: 05/13/07 R: 03
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

Feaker Painting, Inc. filed an appeal from a representative's decision dated June 5, 2007, reference 01, which held that no disqualification would be imposed regarding Jarold Miller's separation from employment. After due notice was issued, a hearing was held by telephone on June 27, 2007. The employer participated by Tim Feaker, Owner. Mr. Miller did not respond to the notice of hearing.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Miller's last period of employment with Feaker Painting, Inc. was from March 27 through April 6, 2006. He worked full time as a painter. Mr. Miller abandoned his job when he stopped reporting for available work after April 6. The employer attempted to contact him but was unable to do so. Continued work would have been available if Mr. Miller had continued reporting for work. He had not complained about any work-related matters before quitting.

Mr. Miller filed a claim for job insurance benefits effective May 13, 2007. He has received a total of \$425.00 in benefits since filing his claim. Of that amount, \$187.13 was used to offset against a prior overpayment.

REASONING AND CONCLUSIONS OF LAW:

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). Mr. Miller did not participate in the hearing to explain why he stopped going to work. Since he had not raised any issues with the employer before quitting, the employer was

not aware of any work-related problems that needed to be resolved. The evidence of record does not establish any good cause attributable to the employer for Mr. Miller's quit. As such, he is not entitled to job insurance benefits.

Mr. Miller has received benefits, or credit for benefits, since filing his 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 June 5, 2007, reference 01, is hereby reversed. Mr. Miller quit his employment on April 6, 2006 for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Miller has been overpaid \$425.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css