

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DUANE A ZALME**  
Claimant

**APPEAL NO. 08A-UI-06201-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A & I PRODUCTS INC**  
Employer

**OC: 06/01/08 R: 01**  
**Claimant: Respondent (2)**

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

**STATEMENT OF THE CASE:**

A & I Products, Inc. filed an appeal from a representative's decision dated June 30, 2008, reference 01, which held that no disqualification would be imposed regarding Duane Zalme's separation from employment. After due notice was issued, a hearing was held by telephone on July 21, 2008. Mr. Zalme participated personally. The employer participated by Lynne Benedict, Human Resources Manager, and John Dibbet, Receiving Department Manager.

**ISSUE:**

At issue in this matter is whether Mr. Zalme 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: Mr. Zalme was employed by A & I Products, Inc. from August 6, 2007 until June 3, 2008. He worked approximately 32 hours each week in the receiving department. He asked his supervisor on June 2 if he could have an extended period of time off so he could umpire high school baseball games. He anticipated being gone through approximately the middle of August. Mr. Zalme was told his job could not be held open for him that long and that he would have to reapply for work when he returned.

Mr. Zalme spoke to human resources on June 3 concerning his request for time off. He was again told his job could not be held open for him if he chose to leave to umpire. He was told he would have to reapply for work if he intended to be gone through the middle of August. Mr. Zalme decided that he would do the umpiring and did not return to work after June 3, 2008. Continued work would have been available if he had chosen to remain.

Mr. Zalme filed a claim for job insurance benefits effective June 1, 2008. He has received a total of \$1,701.00 in benefits since filing the claim.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Zalme was not laid off due to a lack of work. His usual hours would have been available if he had chosen to remain in the employment rather than leave to umpire high school games. He knew his job would not be held open if he chose to leave for an extended period of time to umpire. Since it was his decision to leave available employment, the separation is considered a voluntary quit.

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. Zalme left his employment so that he could umpire high school baseball games. As such, his reason for leaving was personal and not for any cause attributable to the employer.

It does not appear that Mr. Zalme's work as an umpire was "employment" within the meaning of the Iowa Employment Security Law. It appears that he was working as an independent contractor. Mr. Zalme was paid by check or cash and no taxes were taken out of his umpire's pay. He has not reported his earnings to Workforce Development when filing his weekly claims. For the above reasons, the administrative law judge concludes that he did not quit his employment with A & I Products, Inc. to accept other work within the meaning of Iowa Code section 96.5(1)a.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Zalme quit his employment for no good cause attributable to the employer and is not eligible to receive benefits based on any exception created by law. Accordingly, benefits are denied. He has received 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 30, 2008, reference 01, is hereby reversed. Mr. Zalme quit his employment 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. Zalme has been overpaid \$1,701.00 in job insurance benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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