

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DENNIS L BEECHUM
Claimant

APPEAL NO. 20A-UI-11472-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

S & J TUBE INC
Employer

OC: 07/19/20
Claimant: Respondent (2)

Iowa Code § 96.5-1 – Voluntary Quit

Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits

Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

871 IA Admin. Code 24(10) – Employer Participation in Fact Finding

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated September 10, 2020, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 10, 2020. Employer participated by Brooke McCullough and Nicole Hoben. Claimant failed to respond to the hearing notice and did not participate. Employer's exhibits 1-2 were admitted into evidence.

ISSUES:

Whether claimant quit for good cause attributable to employer?

Whether claimant was overpaid benefits?

Whether claimant is eligible for Federal Pandemic Unemployment Compensation

If claimant was overpaid benefits, should claimant repay benefits or should employer be charged due to employer's participation or lack thereof in fact finding?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 14, 2020. Claimant voluntarily quit on that date as he was upset that he was confronted during his break. Claimant had not made his frustrations known to human resources prior to his quit.

Claimant has not received unemployment benefits in this matter.

Claimant has not received Federal Pandemic Unemployment Compensation.

Employer did substantially participate in fact finding in this matter by participating in a fact finding interview.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

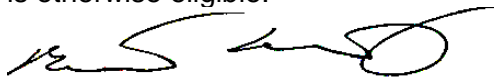
The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was upset that he was confronted during a break about getting back to work.

The overpayment issue is not relevant, as claimant has received no benefits.

The issue of employer participation is not relevant, as claimant has received no benefits.

DECISION:

The decision of the representative dated September 10, 2020, reference 01, is reversed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

November 18, 2020
Decision Dated and Mailed

bab/mh