

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JOHN V SHAFFER
300 S KELLY ST #3
COLFAX IA 50054

CONSTRUCTION PRODUCTS INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-02276-CT
OC: 01/09/05 R: 02
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Construction Products, Inc. (CPI) filed an appeal from a representative's decision dated February 21, 2005, reference 04, which held that no disqualification would be imposed regarding John Shaffer's separation from employment. After due notice was issued, a hearing was held by telephone on March 22, 2005. Mr. Shaffer participated personally. The employer participated by Doug Uhlenhopp, Safety/Human Resources Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Shaffer began working for CPI on July 13, 2004 as a full-time laborer and last performed services on August 20. He was absent without calling in on August 23, 24, and 25. When he came to get his paycheck on August 27, he notified Doug Uhlenhopp that he had not been at work because his grandson was in the hospital in Iowa City and he decided to give up his job. Continued work would have been available if he had not quit.

Mr. Shaffer sustained an injury at work on August 2 and received medical attention. He was released to light-duty work, which the employer was providing.

Mr. Shaffer has received a total of \$1,570.00 in job insurance benefits since filing his claim effective January 9, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Shaffer was separated from employment for any disqualifying reason. The administrative law judge concludes from all of the evidence that he abandoned his job when he stopped reporting for available work. 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. Shaffer quit for personal reasons, his grandson's hospitalization. He did not attempt to return to work after the grandson's three-day hospital stay. Instead, he opted to quit. An individual who quits employment due to serious family needs or responsibilities is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(23).

The evidence does not establish any good cause attributable to the employer for Mr. Shaffer's quit. 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 February 21, 2005, reference 04, is hereby reversed. Mr. Shaffer 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. Shaffer has been overpaid \$1,570.00.

cfc/kjf