

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIKE J WERNING**  
Claimant

**APPEAL NO. 07A-UI-02485-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IKAN MARKETING INC**  
Employer

**OC: 11/12/06 R: 03  
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit  
Section 96.6-2 – Timeliness of Protest

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated February 28, 2007, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 28, 2007. Claimant participated. Employer participated by Judy Zimmerling, Owner. Exhibit One was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer. The second issue in this matter is whether the employer's protest is timely.

**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 January 16, 2006. Claimant left because he did not like the job. Claimant earned wages equal to ten times his weekly benefit amount after quitting on January 16, 2006.

Employer filed its protest by fax on November 21, 2006 within ten days of the receipt of the notice of claim. The fax was lost or not received by workforce development.

**REASONING AND CONCLUSIONS OF LAW:**

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 of dissatisfaction with the work. This is a quit without cause attributable to employer. Benefits withheld.

However, claimant has re-qualified after the separation by earning wages equaling ten times the weekly benefit amount. Benefits shall be allowed.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

Iowa Code section 96.6-2 provides in pertinent part:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant.

Employer's protest is timely as it was faxed within ten days of the date on the notice of claim.

**DECISION:**

The decision of the representative dated February 28, 2007, reference 02, is modified. Employer's protest is timely. Claimant left without cause attributable to employer. Claimant has re-qualified for benefits based on subsequent earnings. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs