

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

RICHARD J ANGEL
Claimant

APPEAL NO. 18A-UI-04192-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PICKWICK COMPANY
Employer

OC: 03/18/18
Claimant: Respondent (2)

871 IAC 23.43(9)a – Combined Wage Claim Transfer of Wages
Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Pickwick Company (employer) appealed a representative's March 30, 2018, decision (reference 01) that allowed benefits to Richard Angel (claimant) and charged employer's account for the combined wage claim. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 27, 2018. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Robert Moore, Controller.

ISSUE:

The issue is whether employer can be relieved of benefit charges on the combined wage claim.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production welder from December 19, 2016, to January 26, 2017. He stopped appearing for work after January 26, 2017, and gave the employer no reason for his quitting. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Admin. Code r. 871-23.43(9)(a) provides, in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20 will be liable for charges for benefits paid by the out-of-state paying state.

No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. He stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The employer's account shall not be charged based upon this separation. Since this is a combined wage claim, claimant's qualification and eligibility shall be determined by the State of Georgia.

DECISION:

The March 30, 2018, reference 01, decision is reversed. The claimant voluntarily left his employment without good cause attributable to the employer. Employer's account shall not be charged based upon this separation. Since this is a combined wage claim, claimant's qualification and eligibility shall be determined by the State of Georgia.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs