

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BIANEY ARIAS
Claimant

NORTH LIBERTY HOTEL GROUP LLC
Employer

APPEAL NO. 15A-UI-11285-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/13/15
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 2, 2015 (reference 01) which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on October 26, 2015. Claimant participated personally. Employer participated by Amish Patel. CTS Language Link provided interpretative services for the court.

ISSUES:

Whether claimant is able and available for work?

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Employer purchased the company from a previous employer on or around September 4, 2015. At a meeting with employees, the new employer explained that former employees would be retained at their previous wages.

Claimant and her husband both worked for the previous employer. They had arrangements for a two-week vacation between September 4 and September 17, 2015. When the vacation was over, claimant's husband returned to work but claimant did not. Employer deemed claimant to have voluntarily quit as she never returned from her vacation and filed for unemployment. After the initial unemployment hearing was held on October 2, 2015, the claimant went back to employer to ask for her job. Employer offered claimant a job at less pay and claimant declined.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Claimant did not return to work after her vacation. As she did not return to work and did file for unemployment, the administrative law judge deems claimant to have voluntarily quit. As employer offered to claimant and all other employees their same hours and wages, claimant is not deemed to have quit for good cause attributable to employer. Claimant has remained able and available to work since her return from her vacation. Benefits are withheld.

DECISION:

The decision of the representative dated October 2, 2015 (reference 01) is affirmed. 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

Decision Dated and Mailed

bab/can