

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

EVELYN SHUEY  
312 E MAIN  
SEYMOUR IA 52590

CASEY'S MARKETING COMPANY  
C/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-02250-CT  
OC: 01/16/05 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Casey's Marketing Company filed an appeal from a representative's decision dated February 21, 2005, reference 01, which held that no disqualification would be imposed regarding Evelyn Shuey's separation from employment. After due notice was issued, a hearing was held by telephone on March 24, 2005. The employer participated by Brenda Robertson, Manager. Ms. Shuey did not respond to the notice of hearing.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Shuey was employed by Casey's beginning March 15, 2004. She was a pizza person and clerk and worked 15 or more hours each week. Her last day at work was August 31. Ms. Shuey was absent September 3 through September 7 but did not contact the employer. On September 11, she presented a doctor's excuse to cover the absences. When asked why she did not call to report the absences, Ms. Shuey indicated she did not know she had to because she was excused from work by her doctor. She was given a written warning on September 11 for her earlier unreported absences.

Ms. Shuey was next scheduled to work on September 17. She did not report for work or contact the employer on that day or at any point thereafter. Continued work would have been available if she had continued reporting for work or had notified the employer of her intentions. She had not complained of any work-related matters prior to quitting. Her work hours had not been reduced. The employer had not been made aware of any limitations she had as a result of a medical condition.

Ms. Shuey has been paid a total of \$840.00 in job insurance benefits since filing her claim effective January 16, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Shuey was separated from employment for any disqualifying reason. She abandoned her job when she stopped reporting for available work without notice to the employer. 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). The evidence of record does not establish any cause attributable to Casey's for Ms. Shuey's quit. Her work hours had not been reduced and the employer was not violating any work restrictions as alleged by Ms. Shuey during the fact-finding interview with Workforce Development.

An individual who voluntarily quits part-time employment without good cause attributable to the employer may nevertheless qualify for job insurance benefits if there are sufficient other wage credits to establish a valid claim. See 871 IAC 24.27(96). Wage credits earned with the part-time employer that was quit may not be used on the claim until such time as the individual requalifies by earning ten times the weekly benefit amount in insured wages after the disqualifying separation. All of Ms. Shuey's base period wage credits were earned in employment with Casey's. Therefore, she does not have sufficient other wage credits on which to base a claim for benefits.

Inasmuch as Ms. Shuey's separation was not for good cause attributable to the employer, benefits are denied. She has received benefits since filing her 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 01, is hereby reversed. Ms. Shuey voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Shuey has been overpaid \$840.00 in job insurance benefits.

cfc/kjf