

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ROY D SNYDER**  
Claimant

**APPEAL NO. 14A-UI-10996-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DARLING INTERNATIONAL INC**  
Employer

**OC: 09/21/14**  
**Claimant: Appellee (2/R)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated October 13, 2014, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 12, 2014. Employer participated by Bob Bushnell. Claimant failed to respond to the hearing notice and did not participate. Employer's Exhibits One through Six were admitted into evidence.

**ISSUE:**

The issue in this matter is 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: As claimant did not participate in this hearing, all findings of fact are gleaned from the testimony of Bob Bushnell. Claimant last worked for employer on September 8, 2014. On September 8, 2014 claimant walked off work at or around 3:00am. Claimant was not at risk of losing his employment at this time although he had received written warnings for work-related incidents.

**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 he wished to go home. Employer was given precious little reason why claimant would leave, other than his statement that he wanted to leave. Claimant was still on the schedule, but didn't return to work.

As this ruling overturns the previous opinion of the finder of fact, claimant is deemed to have been overpaid benefits.

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.

**DECISION:**

The decision of the representative dated October 13, 2014, reference 01, is reversed. 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.

This matter shall be remanded to the fact finder to determine the dates of claimant's overpayment of benefits consistent with this decision. As employer sought to participate in the fact-finding interview but the record shows no attempts to call employer, employer's account shall not be charged and claimant must repay benefits afforded to him.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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