

**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**

**JOANN M SYSLO  
2473 – 158<sup>TH</sup> AVE  
CALAMUS IA 52729**

**IOWA EAST CENTRAL T R A I N  
2804 EASTERN AVE  
DAVENPORT IA 52803-2812**

**Appeal Number: 04A-UI-10301-AT  
OC: 05/23/04 R: 04  
Claimant: Appellant (2/R)**

**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 Quitting

STATEMENT OF THE CASE:

Joann M. Syslo filed a timely appeal from an unemployment insurance decision dated September 13, 2004, reference 01, which disqualified her for benefits upon a finding that she had voluntarily left employment with Iowa East Central T R A I N. After due notice was issued, a telephone hearing was held on October 5, 2004 with Ms. Syslo participating. Iowa East Central T R A I N. did not respond to the hearing notice.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Joann M. Syslo was employed by Iowa East Central

T R A I N from 1994 until being laid off on May 24, 2004. She last worked as a lead teacher in the employer's Head Start program.

Ms. Syslo filed a claim for unemployment insurance benefits effective May 23, 2004. During the summer of 2004, she declined to return to the employer when the program resumed in late August.

#### REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the separation on May 24, 2004 was a disqualifying event. It was not.

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.

The evidence in this record establishes that Ms. Syslo did not resign on May 24, 2004. Instead, it establishes that she was laid off. The administrative law judge takes official notice of decisions by the agency and by the Employment Appeal Board holding that Iowa East Central T R A I N was not an educational institution for unemployment insurance purposes. Thus, Ms. Syslo is eligible for unemployment insurance benefits during the summer of 2004.

From Ms. Syslo's testimony, it is clear that at some point in the summer of 2004, she declined to return to the employer for the fall semester of 2004. This issue must be remanded to the Unemployment Insurance Services Division for a determination of whether Ms. Syslo's decision constituted a refusal of recall.

#### DECISION:

The unemployment insurance decision dated September 13, 2004, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. The matter of a potential refusal of recall is remanded to the Unemployment Insurance Services Division.

shar/kjf