

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NANCY DUDOCK
Claimant

APPEAL NO: 13A-UI-09509-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DM SERVICES INC
Employer

OC: 07/28/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 15, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in October 2003. She worked 25 hours a week as a bill collector. The employer considered her a flexible employee.

The employer granted the claimant intermittent family medical leave from May 10 through December 31, 2013. The claimant had bills she had to pay. She asked the employer about getting a pay advance or borrowing against her 401K. The employer denied the claimant a pay advance because she was not considered a permanent employee. The claimant learned the only way she could use her 401K money was to resign.

The claimant needed the money in her 401K to pay bills. Even though the claimant did not want to resign, she gave the employer her 24-hour notice that she was resigning. After the claimant resigned, she used the money in her 401K to pay her bills.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant voluntarily quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant established a compelling personal reason for resigning because she needed money from her 401K to pay bills. This reason does not qualify her to receive benefits. As of July 28, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's August 15, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 28, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs