

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

ADAM C LIKES
416 FLORAL DR NW
CEDAR RAPIDS IA 52405-3485

ACE REFRIGERATION INC
6440 – 6TH ST SW
CEDAR RAPIDS IA 52404

Appeal Number: 06A-UI-07923-MT
OC: 01/29/06 R: 03
Claimant: Respondent (4)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit
Section 96.6-2 – Timeliness of Protest

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated August 1, 2006, reference 08, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 22, 2006. Claimant participated. Employer participated by Sandy McConaughy, Office Manager. Exhibits One, Two, and Three were admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on December 17, 2005. Claimant quit to go to college. The schooling fell through and claimant went back to work for another employer. Claimant worked in and received wages from insured work equal to ten times his weekly benefit amount after the separation.

Employer filed a protest within ten days of its mailing. Employer did not check the boxes but wrote in an explanation. Employer believed the form was asking if claimant had currently been employed. Employer intended to protest the separation.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. 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 of going back to school. This is not good cause for a quit. However claimant has requalified by working in and receiving wages from a subsequent employer. Benefits allowed.

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 issue in this matter is whether the employer's protest is timely.

Iowa Code section 96.6-2 provides in pertinent part:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant.

Employer's protest is timely as it was sent within ten days. Employer's notes on the protest form were sufficient to indicate that employer was contesting the claim. The protest was timely.

DECISION:

The decision of the representative dated August 1, 2006, reference 08, is modified. The protest is timely. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Employer's account shall not be charged with benefits paid on this claim.

mdm\kjlw