

**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**

**JOSEPH G BEDFORD  
PO BOX 51  
MANSON IA 50563**

**BRAND FX BODY COMPANY  
PO BOX 569  
SWEA CITY IA 50590**

**Appeal Number: 05A-UI-02950-CT  
OC: 02/06/05 R: 01  
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:

Brand FX Body Company (FX) filed an appeal from a representative's decision dated March 17, 2005, reference 01, which held that no disqualification would be imposed regarding Joseph Bedford's separation from employment. After due notice was issued, a hearing was held by telephone on April 7, 2005. Mr. Bedford participated personally. The employer participated by Lars Herson, Plant Manager; Linda Houston, Human Resources; Mark Rozenboom, Supervisor; and Robert Harvey, Lead Person.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Bedford was employed by FX beginning April 26, 2004 as a full-time laborer. He was absent from work on February 7, 2005 because the locks on his car door were frozen. On February 8 and 9, he was absent because his son was having a difficult time as a result of his parents' separation.

Mr. Bedford reported to work as scheduled on February 10. His time card had been pulled so that he would have to talk to the plant manager about his absences before clocking in. Some of his tools had been boxed in anticipation of moving him to a different department. Mr. Bedford assumed from these factors that he had been discharged. He spoke to his lead person, Robert Harvey, who told him that he needed to wait and speak with Lars Hersom. Mr. Harvey told Mr. Bedford that he might not be fired. Mr. Bedford waited approximately 15 minutes and then left. He did not at any point confirm his employment status by contacting either Mr. Hersom or anyone else in management. Continued work would have been available as the employer had not made any decision to discharge him.

Mr. Bedford has received a total of \$1,845.00 in job insurance benefits since filing his claim effective February 6, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Bedford was separated from employment for any disqualifying reason. He was not told that he was discharged. He assumed he had been because of the fact that his time card was pulled and his tools were boxed. However, he was told by Mr. Harvey that he might not be fired and that he needed to talk to the plant manager. Mr. Bedford did not wait for the plant manager before leaving and did not contact him at a later point to determine whether he still had employment. The employer articulated legitimate reasons for the time card being pulled and the tools being boxed. Where an individual mistakenly believes he has been discharged but was not told he was discharged and discontinues reporting to work, the separation is a voluntary quit.

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). Having taken the position that he was discharged, Mr. Bedford did not offer testimony as to why he would quit. The evidence of record does not establish any cause attributable to FX for the quit. Accordingly, benefits are denied.

Mr. Bedford has received benefits since filing his 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 March 17, 2005, reference 01, is hereby reversed. Mr. Bedford voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Bedford has been overpaid \$1,845.00 in job insurance benefits.

cfc/sc