

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMIE E JAVELLANA**  
Claimant

**APPEAL NO. 13A-UI-10443-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**OC: 07/28/13**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Wells Fargo, filed an appeal from a decision dated September 3, 2013, reference 03. The decision allowed benefits to the claimant, Jamie Javellana. After due notice was issued, a hearing was held by telephone conference call on October 8, 2013. The claimant did not provide a telephone number where she could be contacted and did not participate.. The employer participated by Loan Administrator Manager Stephen Jonas and was represented by Barnett Associates in the person of James Franzetti.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Jamie Javellana was employed by Wells Fargo from January 22 until June 28, 2013 as a full-time loan document specialist. She gave a written resignation to Loan Administration Manager Stephen Jonas on June 17, 2013. She indicated she was leaving for “career opportunities” to become a cook in her child’s daycare center, which had been her area of study.

It is unclear whether the claimant actually accepted the job and worked for a new employer. No wages have been reported to Iowa Workforce Development by any employer subsequent to Wells Fargo.

Continuing work was available to her had she not quit, although she had been receiving progressive discipline for various performance issues such as failure to follow policy and unauthorized use of her cell phone.

Jamie Javellana has received unemployment benefits since filing a claim with an effective date of July 28, 2013. Neither the employer witness nor the representative could state whether the employer participated in the fact-finding interview.

**REASONING AND CONCLUSIONS OF LAW:**

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 record establishes the claimant quit without good cause attributable to the employer. Under the provisions of the above Code section, this is a disqualifying separation. The claimant did not provide any evidence or proof she worked for the subsequent employer which would remove the disqualification. There is also no firm evidence as to whether the employer participated in the fact-finding interview and the matter should be remanded for determination.

**DECISION:**

The representative's decision of September 3, 2013, reference 03, is reversed. Jamie Javellana is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible, or provides proof of having worked for the subsequent employer.

The matter of deciding the amount of the overpayment and whether the amount overpaid should be recovered from the claimant and charged to the employer under Iowa Code section 96.3-7-b is remanded to the Agency.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/css