

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTEZ R EDWARDS
Claimant

APPEAL NO: 13A-UI-05480-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 02/03/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 3, 2013 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits.

The claimant responded to the hearing notice, but was not available for the hearing. A message was left for the claimant to contact the Appeals Section immediately. Amelia Clark and Rocio Serna appeared on the employer's behalf. The claimant called the Appeals Section an hour after the scheduled hearing. By the time the claimant called, the hearing had been closed and the employer had been excused. The claimant asked that the hearing be reopened.

Based on the claimant's request to reopen the hearing, the administrative record and the law, the administrative law judge concludes the claimant did not establish good cause to reopen the hearing and he is not qualified to receive benefits.

ISSUES:

Did the claimant establish good cause to reopen the hearing?

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him to reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The employer assigned the claimant to job as a meat processor. This job assignment was to have been for a few days. The claimant accepted this assignment and went to the job on March 28, 2013. He worked four hours at this job and then walked off the job. The claimant wanted a full-time job, instead of a short-term job. Also, he did not think the wage was high enough for the work he was required to do at this assignment.

A hearing in this matter was scheduled on June 14, 2013, at 9:30 a.m. The claimant timely responded to the hearing notice and called the Appeals Section before June 14 to provide the

phone number to contact him at for the hearing. At 9:30 a.m., the claimant was sleeping and did not hear his phone ring. On June 14, the claimant thought the hearing was at 10:30 a.m., instead of 9:30 a.m.. When the claimant got up for just before 10:30 a.m., he noticed he had a phone message and called the Appeals Section. The claimant requested that the hearing be reopened.

REASONING AND CONCLUSIONS OF LAW:

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c). Although the claimant made a mistake when he thought the hearing was at 10:30 a.m. instead 9:30 a.m., he received the hearing notice that informed him the hearing was scheduled at 9:30 a.m. The claimant did not establish good cause to reopen the hearing so his request must be denied.

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The record indicates the claimant quit an assignment he accepted by walking off the job after only working four hours. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant may have had compelling reasons for walking off the job, but the administrative record does not establish that he quit for reasons that qualify him to receive benefits. As of March 24, 2013, the claimant is not qualified to receive benefits.

DECISION:

The claimant's request to reopen the hearing is denied. The representative's May 3, 2013 determination (reference 03) is affirmed. The claimant voluntarily quit a job assignment on March 28, 2013, for reasons that do not qualify him to receive benefits. As of March 24, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css