

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW J SAGE
Claimant

APPEAL NO. 08A-UI-05524-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

**OC: 05/04/08 R: 02
Claimant: Respondent (2)**

Section 96.5(1) – Quit
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, Swift, filed an appeal from a decision dated June 6, 2008, reference 01. The decision allowed benefits to the claimant, Matthew Sage. After due notice was issued, a hearing was held by telephone conference call on June 30, 2008. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Human Resources Coordinator Aaron Vawter. Exhibit One was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Matthew Sage was employed by Swift from November 20, 2006 until April 17, 2008, as a full-time maintenance mechanic. He had been placed on a 90-day probation January 29, 2008, for attendance problems.

On April 16, 2008, when the claimant arrived for work he asked to have the day off. It was granted to him even though he had not completed his 90-day probation. The next day he went to Human Resources Coordinator Aaron Vawter before punching in for his shift and said he was quitting. He did not give any specifics, just indicated “personal reasons” on his exit interview. Continuing work was available to him had he not quit.

Matthew Sage has received unemployment benefits since filing a claim with an effective date of May 4, 2008.

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 claimant quit for "personal reasons" even though he could have remained employed had he chosen to do so. As he did not participate in the hearing the administrative law judge has no further information as to why he resigned other than his signed exit interview form. The record establishes the claimant did not have good cause attributable to the employer for quitting and he is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's decision of June 6, 2008, reference 01, is reversed. Matthew Sage is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$2,218.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css