

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER G HANLON**  
Claimant

**APPEAL NO. 08A-UI-00341-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BETTENDORF HOME REPAIR INC**  
Employer

**OC: 12/02/07 R: 04  
Claimant: Respondent (2)**

Section 96.6-2 – Timely Protest  
Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated January 3, 2008, reference 02, which held the claimant eligible for unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled for and held on January 28, 2008. Although duly notified, the claimant failed to respond to the hearing notice and did not participate. The employer participated by Mr. Lenny Wilkinson, owner, and Ms. Glenda Ray, office manager.

**ISSUE:**

The issues in this matter are whether the employer's protest was timely, whether the claimant quit for good cause attributable to the employer, and whether the claimant is overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant last worked for this employer from November 2, 2006, until March 7, 2007, when he voluntarily quit employment. Mr. Hanlon was employed as a full-time home repair technician and was paid by the hour. His immediate supervisor was Scott Schroeder.

The employer's protest on the claim of Christopher Hanlon was received beyond the ten-day statutory period due to postal service error. Accumulated mail had not been given to the employer for an extended time through no fault of the employer. Upon receipt of a large amount of accumulated mail, the employer noted a notice of claim filed on Mr. Hanlon and immediately protested the claim. The employer did not receive the notice until after the ten-day protest period had elapsed.

Mr. Hanlon's employment with Bettendorf Home Repair, Inc., came to an end on Wednesday, March 8, 2007, when the claimant voluntarily quit his employment by providing verbal notice to the company's office manager, Glenda Ray. Work continued to be available to the claimant at the time that he chose to leave employment.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes, based upon the evidence in the record, that the employer has established good cause for filing its protest on the claim of Christopher Hanlon beyond the ten-day protest period. The employer's delay in filing its protest was caused by error or omission of the U.S. Postal Service.

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.

The administrative law judge concludes that the employer has shown good cause for filing beyond the ten-day jurisdictional time limit.

The evidence in the record clearly establishes that Mr. Hanlon chose to voluntarily quit his employment for reasons that were not attributable to the employer. Work continued to be available to Mr. Hanlon at the time that he chose to voluntarily quit employment on March 8, 2007, by verbally resigning and providing notice to the company's office manager, Glenda Ray.

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 has not received unemployment insurance benefits since filing a claim with an effective date of December 2, 2007. The administrative law judge concludes that the claimant left employment for reasons that were not attributable to the employer, but for reasons that are disqualifying under the provisions of the Iowa Employment Security Act.

**DECISION:**

The representative's decision dated January 3, 2008, reference 02, is hereby reversed. Good cause for late filing of the protest is established. The claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to times the claimant's weekly benefit amount, provided the claimant meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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