

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMY A KNAACK
Claimant

APPEAL NO. 09A-UI-04983-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KRYSILIS INC
Employer

**Original Claim: 03/01/09
Claimant: Respondent (2-R)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Krysilis, Inc. filed an appeal from a representative's decision dated March 25, 2009, reference 02, which held that no disqualification would be imposed regarding Tammy Knaack's separation from employment. After due notice was issued, a hearing was held by telephone on April 24, 2009. The employer participated by Donna Kluss, Human Resources Coordinator, and by Camille Usher and Tanya Morales, Home Managers. Ms. Knaack responded to the notice of hearing and an attempt was made to reach her at the scheduled time of the hearing. However, her phone was answered with a recording that the number was temporarily disconnected.

ISSUE:

At issue in this matter is whether Ms. Knaack was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Knaack began working for Krysilis, Inc. on June 30, 2008 as a full-time direct support staff person. She did not report for work or call the employer on February 7 or February 8, 2009. The employer did not hear anything further from her after her last day of work. Continued work would have been available if she had continued reporting for work or notified the employer of her intentions.

Ms. Knaack filed a claim for job insurance benefits effective March 1, 2009. She has received a total of \$1,124.00 in benefits since filing the claim.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Ms. Knaack abandoned her job when she stopped reporting for available work with no notice to the employer as of February 7, 2009. As such, her separation is considered a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable

to the employer. Iowa Code section 96.5(1). Ms. Knaack did not participate in the hearing to explain why she stopped reporting for work. The evidence of record does not establish any good cause attributable to the employer for the separation. Accordingly, benefits are denied.

Ms. Knaack has received benefits since filing her claim. As a general rule, an overpayment of job insurance benefits must be repaid. Iowa Code section 96.3(7). If the overpayment results from the reversal of an award of benefits based on an individual's separation from employment, it may be waived under certain circumstances. An overpayment will not be recovered from an individual if the employer did not participate in the fact-finding interview on which the award of benefits was based, provided there was no fraud or willful misrepresentation on the part of the individual. This matter shall be remanded to Claims to determine if Ms. Knaack will be required to repay benefits already received.

DECISION:

The representative's decision dated March 25, 2009, reference 02, is hereby reversed. Ms. Knaack quit her employment with Krysilis, Inc. for no good cause attributable to the employer. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. This matter is remanded to Claims to determine the amount of any overpayment and whether Ms. Knaack will be required to repay benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw