

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CALVIN R ROACH
Claimant

APPEAL NO. 07A-UI-00069-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

**OC: 08/06/02 R: 03
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Cargill Meat Solutions Corporation (employer) appealed a representative's December 20, 2006 decision (reference 02) that concluded Calvin R. Roach (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 29, 2007. The claimant participated in the hearing. Katie Diercks, the assistant human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

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

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 28, 2006. The employer hired the claimant to work as a full-time production worker. The last day the claimant worked was November 7, 2006.

The claimant became ill and was unable to work November 8 through 28, 2006. The claimant had gall bladder surgery on November 27, 2006. The claimant learned he was not eligible for the employer's health insurance benefits until March 2007. In an attempt to receive financial assistance to pay for his hospital and medical bills, the claimant learned he would not be eligible for this assistance if had worked for the employer.

The claimant informed the employer he would have to be terminated so he could obtain financial assistance to cover his medical bills. On November 29, the claimant signed paperwork that said, "Termination Notice." The claimant assumed this meant the employer terminated him and signed

the necessary paperwork. After signing the document, the claimant noticed the paperwork indicated that he had wanted to voluntarily terminate his employment. The claimant informed the employer that he had not wanted to voluntarily quit his employment.

The claimant reopened his claimant for benefits the week of December 3, 2006. The claimant filed claims for the weeks ending December 9, 2006, through January 20, 2007. The claimant received his maximum weekly benefit amount of \$379.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges the claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts establish the claimant initiated his employment separation by asking the employer to terminate his employment. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant established compelling personal reasons for quitting. The claimant needed financial assistance to cover his medical bills and learned if he worked for the employer he would not meet the financial guidelines for assistance. This reason does not establish that the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits. Therefore as of December 3, 2006, the claimant is disqualified from receiving benefits.

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending December 9, 2006, through January 20, 2007. The claimant has been overpaid \$2,653.00 in benefits he received for these weeks.

DECISION:

The representatives' December 20, 2006 decision (reference 02) is reversed. The employer did not initiate the employment separation, the claimant did. The claimant quit his employment for compelling personal reasons. The claimant is disqualified from receiving unemployment insurance benefits as of December 3, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the weeks ending December 9, 2006 through January 20, 2007. The claimant has been overpaid and must repay a total of \$2,653.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw