

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DONDI R HANSEN
Claimant

APPEAL NO. 14A-UI-06541-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VIDEO SURVEILLANCE SOLUTIONS INC
Employer

OC: 06/08/14
Claimant: Respondent (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated June 24, 2014, reference 01, that concluded the claimant had not quit but she was discharged for reasons other than work-connected misconduct. A telephone hearing was held on July 16, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Greg Drea participated in the hearing on behalf of the employer with witnesses Todd Rubey and Brenda Kuhlmann.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as an administrative assistant at its location in Oto, Iowa, from October 2010 to May 30, 2014.

On May 16, 2014, the claimant provided the employer two weeks' notice that she was quitting because she was getting married and moving to Sioux City. When the claimant quit, continuing work was available.

The hearing was held on July 16, 2014, at 2 p.m. and the claimant did not provide her telephone number to participate. The claimant called the Appeals Bureau on July 17, 2014, at 1 p.m. and admitted she had not followed the instructions on the hearing notice that required her to call in and provide her telephone number and was waiting for a call from someone with the Appeal Bureau. She explained that she could not find the hearing notice she had received so she did not call in to find out why she had not been called.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether there is good cause to reopen the hearing.

The Agency rules at Iowa Admin. Code r. 871-26.14(7) provide that a hearing may be reopened if the absent party makes a request to reopen the hearing and shows good cause for reopening the hearing. The rules further state that failure to read or follow the instructions on the notice of hearing is not good cause for reopening the record. Iowa Admin. Code r. 871-26.14(7)c. In this case, the claimant admitted she had not followed the instructions on the hearing notice that required her to call in and provide her telephone number. She waited for almost 24 hours before inquiring about her hearing, which is an unreasonable period of time. Good cause for reopening the hearing has not been shown.

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

871 IAC 24.25(2) provides that a claimant who quits employment to move to a different locality is presumed to have voluntarily quit employment without good cause attributable to the employer.

There is no evidence that the employer discharged the claimant. She voluntarily quit to relocate to another city. Her quitting was not caused by the employer.

It should be noted that the claimant has not filed any weekly claims for unemployment insurance benefits, and therefore, there is no potential overpayment in this case.

DECISION:

The unemployment insurance decision dated June 24, 2014, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs