

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW G GREENWOOD
Claimant

APPEAL NO. 07A-UI-03713-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

**GREENWOODS SEWER AND
DRAIN CLEANING**
Employer

**OC: 01/07/07 R: 02
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

The employer, Greenwoods Sewer and Drain Cleaning, filed an appeal from a decision dated March 30, 2007, reference 01. The decision allowed benefits to the claimant, Matthew Greenwood. After due notice was issued a hearing was held in Des Moines, Iowa on July 9, 2007. The claimant did not participate. The employer participated by Owner James Greenwood and Office Manager Michelle Branchcomb.

ISSUE:

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

FINDINGS OF FACT:

Matthew Greenwood began employment with Greenwoods Sewer and Drain Cleaning January 30 until March 2, 2007 as a full-time service technician. He was on lay off from his regular job at Parking Lot Specialties (PLS) due to the cold weather when Owner James Greenwood asked if he would be available to work and “fill in” for other technicians who were on vacation. The claimant agreed although there was no definite timeframe established for the length of his employment.

Matthew Greenwood gave a verbal resignation to James Greenwood and Office Manager Michelle Branchcomb on March 2, 2007, saying he would be going back to his regular job in the future but had “personal” things he wanted to do first. Continuing work was available to him had he not resigned. The records of Iowa Workforce Development indicate the claimant filed an additional claim for benefits with an effective date of March 4, 2007 and continued to file for weekly benefits until the week ending April 14, 2007.

Matthew Greenwood has received unemployment benefits since filing an additional claim with an effective date of March 4, 2007.

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 did quit his employment with Greenwood Sewer and Drain Cleaning on March 2, 2007, even though continuing work was available to him. He may have resumed his job with PLS at some point in the future but it was not for at least six weeks after quitting to do "personal" things. While a delay of a day or a week between quitting one job and beginning another may be reasonable, this length of time is not. The claimant did not quit for another job but for personal reasons and this is not good cause attributable to the employer. He is disqualified.

DECISION:

The representative's decision of March 30, 2007, reference 01, is reversed. Matthew Greenwood 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 \$2,274.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css