

**Folder:** DPOM/FOM2 Article 3 Investigations and Determinations

**Document:** DPOM/FOM2 315 Voluntary Leaving of Work

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## 315.05 General

An individual who leaves railroad or non-railroad work voluntarily without good cause is disqualified from receiving unemployment benefits. The disqualification begins with the day he or she leaves work and ends only after the employee has returned to railroad employment and earned wages sufficient to qualify for benefits again. This disqualification also applies to a claimant who leaves work voluntarily with good cause, but only with respect to periods in which he or she could receive unemployment benefits under another law.

District offices are responsible for conducting investigations, and making initial determinations on all voluntary leavings of work. Voluntary leaving of work determinations are to be made in accordance with information contained in this chapter and Article 15 of the Adjudication Instruction Manual.

In general, the steps involved in making determinations on a voluntary leaving are as follows:

- A. Interview or otherwise obtain information from the claimant and the employer about the circumstances and reasons for the claimant's leaving.
- B. Determine whether the leaving was voluntary.

If the leaving was not voluntary, the quit has no effect on the claimant's eligibility. The claimant's availability should, however, be investigated.

If the leaving was voluntary, determine whether the claimant is entitled to State unemployment benefits.

- C. If evidence indicates the claimant is entitled to State unemployment benefits, consider whether the quit was with good cause.

If evidence shows the quit was with good cause, release Form Letter ID-15e to the claimant.

If evidence is not sufficient to make a determination, release Form Letter ID-15e to the claimant. Flag the claimant's record to investigate the case further if the claimant registers for benefits again.

If evidence shows the quit was without good cause, release Form Letter ID-15 to the claimant.

In each case where there is information that a claimant voluntarily left work and benefits are not denied for that reason, a determination must be made as to whether the claimant is available for work. The claimant's leaving of work may be associated with factors that would cause him or her not to be available.

## 315.10 Investigations

### 315.10.1 Initiation of Investigation

Immediately conduct an investigation upon receipt of information either on an application, claim or from any other source, indicating that a claimant voluntarily left work. Form Letter ID-5 may be used to request the claimant to report for an interview. If it is not possible to interview the claimant promptly, Form Letter ID-5d-F may be used to request information needed from the claimant. If Form Letter ID-5d-F is sent to the claimant, include Form UI-45 for completion.

### 315.10.2 Disposition of Claims

Unemployment claims received while an investigation of a voluntary leaving is in progress are to be entered onto RUCS coded "6" until the investigation is completed and a determination is made. In addition, a stop for reason 150 should be entered on the claimant's record beginning with the date the claimant left work. Use an indefinite ending date of "999999."

### 315.10.3 Conducting Investigations

- A. Conduct a personal interview with the claimant, if possible. Obtain essential information necessary to determine whether the claimant left work voluntarily, and whether the leaving was with or without good cause. Do not be satisfied with a general statement of circumstances surrounding the leaving. An outline of information to be obtained in order to make these determinations is contained in Appendix 315-A.
- B. Complete Form UI-45, Claimant's Statement - Voluntary Leaving of Work, during the interview. If the claimant is not interviewed personally and Form Letter ID-5d-F is sent to the claimant, also send Form UI-45 for the claimant to complete.

Form UI-45 obtains information about the claimant's employment, and the reason(s) he or she left work. Such information is needed to determine if the leaving of work was voluntary and, if so, whether it was with or without good cause.

Form UI-45 also provides an indication as to whether the claimant is qualified to receive State unemployment benefits. See DPOM/FOM-II-315.15.2. If the information on Form UI-45 indicates State unemployment benefits are payable to the claimant, promptly mail Form Letter ID-15e. Form Letter ID-15e informs the claimant that benefits are not payable to an employee who voluntarily leaves work and who is eligible to receive State unemployment benefits.

- C. Obtain information from the employer whose employment the claimant left. In nearly all cases, an investigation of voluntary leaving is not complete without this information.

If the leaving involves a question of the suitability of work, obtain information as to the conditions of the claimant's work from the employer.

If the claimant alleges personal reasons that appear to constitute good cause for leaving, obtain information as to the circumstances of the leaving from the employer.

Reconcile any discrepancy between the claimant's explanation of the voluntary leaving and the information obtained from the employer.

## 315.15 Voluntary Leaving Determinations

## Form UI-33, District Office Record of Determinations as to Voluntary Quit

Complete Form UI-33 for each reported voluntary leave determination that is investigated. Remember to provide the AIM and/or FOM references when completing this form. All voluntary leaving determinations are to be reviewed by the district manager or by an employee authorized by the district manager to review voluntary leaving determinations.

Make a fair, logical, defensible decision. In deciding whether a claimant left work with good cause, consider whether most reasonably prudent persons would have done the same thing in the same circumstances.

### 315.15.1 Not Voluntary Leaving

Determine whether the claimant did, in fact, voluntarily leave work. If there is no voluntary leaving there is no disqualification. Refer to AIM-1504 for guidance on making such determinations. If the leaving was not voluntary, complete sections 1 through 4A.1 and 4C. Remember to provide the AIM and/or FOM references when completing the form. File the form on Imaging

If the investigation shows that the claimant did not voluntarily leave work, the question of the claimant's availability must be resolved.

### 315.15.2 Entitlement to State Unemployment Benefits

In cases in which the investigation reveals that the leaving was voluntary, determine whether the claimant could receive State unemployment benefits or unemployment benefits under any law other than the RUIA. Refer to AIM-1506 for guidance on making this determination. Ordinarily, the determination can be made from information on Form UI-45.

A. If any of the following apply, proceed as indicated in "B" below.

1. The claimant has filed claims for unemployment benefits under another law for any period since the voluntary quit even if the claimant indicates that he or she has exhausted benefit rights or has been denied other unemployment benefits;
2. The claimant apparently has rights to unemployment benefits under another law; or
3. The claimant's work history as shown on Form UI-45 indicates that he or she may have rights to unemployment benefits under another law.

**NOTE:** Field service personnel should be sufficiently familiar with the eligibility requirements for State unemployment benefits in the states served by the office in order to have a general idea as to whether a claimant would be eligible for benefits.

B. If any of the circumstances in "A" apply, proceed as follows:

1. Presume that the claimant could receive State unemployment benefits or benefits under another law beginning with the first day claimed as a day of unemployment after the voluntary leaving.
2. Record information about the voluntary leaving and about the claimant's rights to unemployment benefits under the other law on Form UI-33.
3. Deny any claimed days code "6" and enter the claim(s) onto RUCS. If a reason 150 stop was not

previously entered on the claimant's record (DPOM/FOM-II-315.10.2), use the RUCS Stop/Flag Record screen to enter the stop.

4. Mail Form Letter ID-15e to the claimant. Send a copy to Imaging.
- C. In cases where it appears that the claimant can receive other unemployment benefits, the determination as to whether the voluntary leaving was or without good cause can be made after the release of Form Letter ID-15e.
- D. In cases in which the claimant was issued Form Letter ID-15e and later protests the determination or furnishes information indicating that he or she is not eligible for or has exhausted rights to other unemployment benefits, proceed as follows.
1. If written evidence from the State unemployment benefit agency is received which either verifies exhaustion of other benefits before the beginning date of the disqualification for RUIA benefits, or shows that the claimant cannot receive other unemployment benefits, and if the voluntary leaving was with good cause, send an E-mail "PAY" memorandum to SUBS to pay claimed days previously coded 6. Mail Form Letter ID-15h to the claimant; send a copy to Imaging.
  2. If the claimant protests the denial of RUIA benefits for days before the first day for which benefits under another law are payable or if information from the other agency shows that benefits began with a later date, contact the regional office for advice.

### **315.15.3 Voluntary Leaving Without Good Cause**

1505 for guidance on determining whether a quit was with or without good cause. If it is determined that the claimant voluntarily left work without good cause, record the determination on Form UI-33, and mail Form Letter ID-15 to the claimant. Send a copy of Form Letter ID-15 to Imaging. Form Letter ID-15 is also sent to a claimant to whom Form ID-15e has previously been sent.

A determination that a claimant voluntarily left work without good cause disqualifies the claimant from receiving benefits until such time as the claimant returns to work in the railroad industry and earns sufficient compensation to re-qualify for RUIA benefits. Refer to AIM-

Deny any claimed days code "6" and enter the claim(s) onto RUCS. If a reason 150 stop was not previously entered on record (DPOM/FOM-II-315.10.2), use the RUCS Stop/Flag Record screen to enter the stop. If the claimant has already been paid benefits for days in the disqualification period, contact the regional office for advice.

### **315.15.4 Voluntary Leaving With Good Cause**

A determination that a claimant voluntarily left work with good cause is to be based on an interview with the claimant and evidence obtained from the claimant's employer. Even though a claimant may have left work with good cause, no RUIA benefits are payable if he or she is entitled to other unemployment benefits.

- A. If it is determined that the claimant voluntarily left work with good cause and could not receive other unemployment benefits, record the determination on Form UI-33 and take necessary action to pay all claimed days.

**NOTE:** If there is information that the claimant will become qualified for other unemployment benefits on a definite date in the future, flag the case not to pay any day in the claim period which includes the day on which the claimant will become qualified for the other benefits. If a claim including such day is received, code all the claimed days in the period not to pay (code 6) and release Form Letter ID-15e to the claimant.

- B. If Form UI-45 indicates that the claimant has worked outside the railroad industry, flag the case for possible rechecking at a later date.
- C. If information is received later indicating that the claimant might have become qualified for other unemployment benefits, recheck the case.
- D. In rechecking a case, obtain another completed Form UI-45 (Sections 2, 3, and 4 only) in order to determine if other unemployment benefits are now payable. Form UI-45 may be mailed to the claimant with a notice that payment of benefits may be delayed until the completed form is returned. Take action not to pay claims until the completed Form UI-45 is returned.

If the completed Form UI-45 indicates that the claimant could receive other unemployment benefits, take action as prescribed in 315.15.2.

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