

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EVALYINE M BILLINGS

Claimant

APPEAL NO. 10A-UI-01103-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING CO

Employer

OC: 11/29/09

Claimant: Appellant (1)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The claimant, Evalyine Billings, filed an appeal from a decision dated January 12, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 2, 2010. The claimant participated on her own behalf and with a witness Kenneth Billings. The employer, Casey's, participated by Manager Sharon Peterson.

ISSUE:

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

FINDINGS OF FACT:

Evalyine Billings was employed by Casey's from September 1, 2009 until December 21, 2009 as a part-time clerk in training. During the course of her employment Ms. Billings requested a lot of time off for personal business such as attending grandparents day at her grandson's school, and similar personal matters.

On Monday, December 7, 2009, the claimant asked Store Manager Sharon Peterson if she could have that week off. Ms. Billings intended to drive to Wyoming, bring her daughter back to Sioux Falls, South Dakota, for an elective, non-emergency medical procedure. The daughter's husband had lost his license and she did not want to have the procedure done in Wyoming so the claimant agreed to provide her with transportation.

Ms. Peterson agreed to let the claimant have the week off but asked her to call back at the end of the week to notify the employer whether she would be able to work the following week. Ms. Billings did not call in as requested. She shuttled her daughter from Wyoming to South Dakota and back to Wyoming, then returned to Iowa on December 18, 2009. After returning she did not contact Ms. Peterson because she had to take care of "personal" things such as attending church meetings. She also wanted to make herself available in case she had to drive to Wyoming again to bring her daughter to South Dakota, although this did not happen.

On January 4, 2010, the claimant finally came into the store to talk to the manager. At that time she was told she no longer had a job.

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 could have continued working for Casey's had she kept the employer apprised of her situation, but she did not do so. Ms. Billings was apparently under the impression she could be gone as long as she liked without notifying the employer of the situation. She also felt she could take additional time off to take care of personal things such as attending church meetings for over two weeks before deciding to come back to work.

This is not a case of a family medical emergency since the daughter's medical procedure was entirely elective and for a non-life threatening situation. The claimant did not have permission to be gone for more than the week of December 7, 2009, without further notice to the employer. Her decision not to return to work for more than three weeks must be considered job abandonment. This is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of January 12, 2010, reference 01, is affirmed. Evalyine Billings is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css