

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOY D THOMAS**  
Claimant

**APPEAL NO. 10A-UI-07961-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMMUNITY CARE INC**  
Employer

**OC: 04/11/10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed a representative's May 24, 2010 decision (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. A telephone hearing was held on July 19, 2010. The claimant participated in the hearing. Laura Christensen, a human resource generalist, and Rusty Rogerson, the facility administrator, 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.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on July 29, 2009. The employer hired the claimant to work full time as a direct support care employee. Later in her employment the claimant asked the employer to reduce her hours for personal reasons. The employer granted this request and started scheduling the claimant one or two days a week.

The last day the claimant worked was January 13, 2010. The employer had the claimant scheduled to work the weekend of January 16-17. After the claimant indicated she could not work that weekend, her supervisor told her she would schedule someone else for that weekend. About this same time, the claimant asked for two weeks off to take care of health issues. Her supervisor granted the claimant this time off.

On February 9, the employer received information that the claimant called her supervisor to let her know she was not returning to work. The claimant established a claim for benefits the week of April 11, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a.

The claimant asserted that when she talked to her supervisor, she told the claimant she was discharged because the claimant had not called or reported to work for three days. The claimant did not know what three days she had been scheduled and did not work. Since the employer granted the claimant's requests to reduce her hours, gave her two weeks off from work to take care of health issues, and did not know the dates of when she last worked or talked to her supervisor, the claimant's testimony that the employer discharged her is not credible. A preponderance of the credible evidence establishes the claimant quit her employment on February 9, 2010. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2.

The claimant may have had compelling personal reasons for not returning to work. The evidence does not, however, establish that she quit for reasons that qualify her to receive benefits. As of April 11, 2010, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's May 24, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 11, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs