

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARLA K COX
Claimant

APPEAL NO. 10A-UI-00665-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

**Original Claim: 12/13/09
Claimant: Appellant (5)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's January 11, 2010 decision (reference 01) that concluded she was not qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for disqualifying reasons. A telephone hearing was held on February 24, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Tom Kuiper, a representative with TALX, appeared on the employer's behalf. Brandon Maeglin, a human resource manager, testified 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 May 12, 2008. The claimant worked as a full-time security officer. When an employee is unable to work as scheduled, the employer requires the employee to notify the employer. The employer informs employees that if they do not contact the employer or report to work for three days, the employer considers the employee to have voluntarily quit employment. The claimant received this information in an employee handbook she received when she started working.

On November 5, 2009, the claimant left work early when she did not feel well. On November 6, the claimant called her supervisor to report she was ill and thought she had H1N1 flu. Maeglin contacted the claimant on November 6 and she told him the same thing. The claimant also indicated she was going to see her doctor. The claimant was next scheduled to work on November 10, 2009. She again called to let the employer know she was unable to work. Maeglin again contacted the claimant. During this discussion, the claimant indicated she had gone to her doctor and she had H1N1 flu. The claimant told Maeglin her doctor had released her to return to work on November 11, 2009.

When the claimant did not call or report to work on November 11, Maeglin tried unsuccessfully to contact her. The claimant did not call or report to work as scheduled on November 14 or 15. The claimant did not contact the employer after November 10, 2009. After the claimant did not call or report to work for three scheduled shifts, the employer considered her to have voluntarily quit her employment as of November 16, 2009.

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 §§ 96.5-1, 2-a. The evidence presented during the hearing establishes that the claimant voluntarily quit her employment when she did not call or report to work after November 10, 2009. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when she is absent for three days without giving notice to the employer in violation of the employer's policy. 871 IAC 24.25(4). The facts establish the claimant voluntarily quit her employment by abandoning her job. Even though she had been released to work and was scheduled to work, she did not return to work or report to work. As of December 13, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's January 11, 2010 decision (reference 01) is modified, but the modification has no legal consequence. The employer did not discharge the claimant. Instead, the claimant voluntarily quit her employment by abandoning her employment after November 10, 2009. The claimant did not establish good cause for quitting. The claimant is disqualified from receiving unemployment insurance benefits as of December 13, 2009. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw