

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL S BURKHART
Claimant

APPEAL NO. 07A-UI-09162-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SOUTHERN IOWA RESOURCES
FOR FAMILIES INC**
Employer

OC: 09/02/07 R: 03
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 27, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 15, 2007. Claimant participated. Employer participated by Becky McElfish, Director of Services. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on August 6, 2007. Claimant went off work due to her client going into the hospital. The client was hospitalized for only a week or so. Employer attempted to contact claimant to bring her back to work. Claimant did not make a diligent effort to contact employer to ask for more work. Claimant assumed that she was discharged after a phone message about no hours for 30 days. Claimant called the employer a couple of times but did not leave messages. Claimant did not make a diligent effort to contact the employer concerning the availability of work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she thought she was not longer employed. Claimant did little in the way of contacting the employer to seek further employment. To the contrary, claimant seemed to be avoiding direct contact with employer. Claimant then went to work direct for the same client. This is a quit without cause attributable to employer. Benefits withheld.

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.

DECISION:

The decision of the representative dated September 27, 2007, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw