

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DARLENE A KETCHAM

Claimant

APPEAL 19A-UI-09161-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALORICA CUSTOMER CARE LLC

Employer

OC: 10/06/19

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Darlene Ketcham (claimant) appealed a representative's November 14, 2019, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Alorica Customer Care (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 30, 2019. The claimant participated personally. The employer participated by Carmie Uglov, Human Resources Generalist, and Katharine Aarnio, Operations Manager

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 19, 2012, by Expert Global Solutions. The company was purchased by the employer and the claimant continued to work for the employer as a full-time customer service representative. The employer required the claimant to provide her own landline telephone and Mediacom internet. Her monthly bill was \$105.68.

Due to personal issues, the claimant took unpaid time off work and was unable to pay any of her Mediacom bill in July, August, and September 2019. The claimant told the employer of the issue in early September 2019. She sought assistance from her community but was unsuccessful. On September 23, 2019, Mediacom turned off her service. On September 26, 2019, the claimant asked the employer for help with payment. The employer sent her information about assistance on September 27, 2019. She was unable to obtain funds to pay her bill. The claimant was unable to perform her job duties without internet. From September 23, 2019, through October 3, 2018, the claimant was absent from work for personal

reasons. On October 3, 2019, the employer considered the claimant to have quit work. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(20) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

- (20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She was absent from work for personal reasons for more than ten days. When an employee is absent from work for more than ten working days for compelling personal reasons, her leaving is without good cause attributable to the employer. The claimant left work for more than ten days for compelling personal reasons. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's November 14, 2019, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs