

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TONYA M MAHAN
Claimant

APPEAL NO. 14A-UI-10498-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

OC: 09/14/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 2, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 28, 2014. Claimant participated, and had witness Mary Newalski. Employer participated by Lisa Mills, and Kim Brown. Employer's Exhibits One through Two were 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 considered all of the evidence in the record, finds: Claimant last worked for employer on September 3, 2014. On September 5, 2014, claimant's grandmother who lived miles away in Hancock Iowa became ill and went to the hospital. Claimant chose to go to the hospital in Council Bluffs with her sister to visit her grandmother.

Claimant was scheduled to work a shift starting at 10 p.m. on September 5th, and work until 2 p.m. on September 6. Claimant called into the on call line as the normal business hours were over. Claimant stated she left a message saying she wouldn't be at work. Claimant did not call back even though her call was not returned, as it should have been. Claimant did not call nor did she show up for work on September 7, 2014.

Claimant stated she heard on September 8, 2014 from a friend that heard from the sister of a program director that claimant did not have a job with employer after not calling or showing on the weekend. Claimant did not ever call her program director to pursue this. The program director had been out of town at this time that the rumors were supposedly passed.

On September 8, 2014, another program director called claimant and asked her to return a call prior to her returning to work. Claimant stated she did not receive this, or any other message from work at or around this time. Claimant did not try to contact her employer at any time after September 5, 2014, and her next contact with her employer was a letter received on September 15, 2014 explaining that she no longer had a job because of her no-call/no-shows.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 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 heard from a third hand source that she was no longer employed after her decision to visit her ailing grandmother on September 5-6, 2014 and no-call/no-show on September 7, 2014.

Claimant did not pursue whether she had employment even after being told to call into work. Claimant did not follow proper procedures on September 5-6, 2014 as she knew she was to get a call returned from the on call phone and she did not receive a call after calling in to report an absence.

Claimant was appropriately deemed to have voluntarily quit her employment. Claimant had a duty to be in contact with her employer over and beyond the one call made on September 5, especially when she did not receive a return call, as per protocol. Claimant should not have relied on third party information told to a friend as the establishment that claimant was no longer working for employer.

DECISION:

The decision of the representative dated October 2, 2014, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs