

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSENDA L WEETS**  
Claimant

**APPEAL NO. 08A-UI-02777-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ELECTROLUX HOME PRODUCTS INC**  
Employer

**OC: 02/03/08 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Jessenda L. Weets (claimant) appealed a representative's March 12, 2008 decision (reference 02) that concluded she was not qualified to receive benefits, and the account of Electrolux Home Products, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 7, 2008. The claimant responded to the hearing notice, but did not answer the phone when she was called for the hearing. A message was left for the claimant to contact the Appeals Section immediately. April Ely and LaVonne Russell appeared on the employer's behalf. After the hearing had been closed and the employer had been excused, the claimant contacted the Appeals Section. The claimant made a request to reopen the hearing. Based on the claimant's request to reopen the hearing, 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.

**ISSUES:**

Is there good cause to reopen the hearing?

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 11, 2007. The employer hired the claimant as a full-time operator with the understanding she had to satisfactorily complete a 90-day probation. Prior to August 30, 2007, the claimant's job was not in jeopardy.

The last day the claimant worked was August 29, 2007. She was scheduled to work after this day. The claimant did not call or report to work on August 30, September 3 and 4 or any time after August 29, 2007.

The claimant responded to the hearing notice by providing a phone number to contact her for the hearing. The phone number was the claimant's father's cell phone. This number was called and no one answered. A message was left for the claimant to contact the Appeals Section immediately. By the time the claimant contacted the Appeals Section, the hearing had been closed and the employer had been excused from the hearing. The claimant requested that the hearing be reopened.

The claimant's father had his cell phone in his bedroom. He was asleep when the claimant was called for the hearing. The claimant was downstairs waiting for the phone call. After her father woke up and told her she had been called for the hearing, the claimant contacted the Appeals Section for the hearing.

#### **REASONING AND CONCLUSIONS OF LAW:**

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

When a claimant provides the Appeal Section with a phone number, the claimant is responsible for being available to answer the phone when called. Since the claimant provided her father's cell phone number, it was her responsibility to make sure she had the phone in her possession for the 8:00 a.m. hearing. The claimant's excuse that her father was sleeping when the call came and she did not know the number to call the Appeals Section when she did not receive a call at 8:00 a.m. does not establish good cause to reopen the hearing. The claimant's father should not have to tell the claimant she was called for the hearing and a message was left for her before she contacts the Appeals Section. The claimant's request to reopen the hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. Even though the claimant had to satisfactorily complete a 90-day probation, the evidence presented at the hearing does not establish that her job was in jeopardy prior to August 30, 2007. When the claimant did not report to work or contact the employer anytime after August 29, 2007, she voluntarily quit her employment by abandoning her job. 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 claimant may have had compelling reasons for quitting. The facts do not, however, establish that she quit for reasons that qualify her to receive benefits. Therefore, as of February 3, 2008, the claimant is not qualified to receive benefits.

**DECISION:**

The claimant's request to reopen the hearing is denied. The representative's March 12, 2008 decision (reference 02) 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 February 3, 2008. 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