

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARISSA H BOUTHILLETTE

Claimant

APPEAL NO. 12A-UI-09300-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

OC: 07/01/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated July 30, 2012, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on August 27, 2012. Claimant participated. The employer participated by Mr. David Case, Store Manager.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: The claimant was employed by Casey's Marketing Company from October 28, 2011 until approximately June 30, 2012 when the employer concluded the claimant had voluntarily left her position with the company. Ms. Bouthillette worked as a part-time kitchen worker and was paid by the hour. Her immediate supervisor was the store manager.

Ms. Bouthillette discontinued reporting for scheduled work after losing her babysitter services on June 28, 2012. The claimant believes that she left the store manager a message informing him that she could no longer work her scheduled shift, however, the employer did not receive the claimant's message. After the claimant had failed to report for scheduled work for two or more consecutive work days without providing notification to the employer of her impending absences, the employer reasonably considered that the claimant had chosen to leave her employment with the company.

REASONING AND CONCLUSIONS OF LAW:

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

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.

871 IAC 24.25(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

In the case at hand, the claimant left her regular employment with Casey's Marketing Company due to the loss of her babysitter. Claimant could no longer report for scheduled work and attempted to notify the employer of her inability to continue working. The employer did not receive the claimant's message but after the claimant had failed to report and had failed to further contact the company for a number of days thereafter the employer reasonably concluded that the claimant had left her job.

The administrative law judge concludes based upon the evidence in the record that the claimant did not leave her employment for a good cause that was attributable to the employer. Claimant's reasons for leaving were due to lack of child care arrangements. Benefits are withheld.

DECISION:

The representative's decision dated July 30, 2012, reference 01, is affirmed. Claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs