

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CANDACE L HARTMAN**  
Claimant

**APPEAL 20A-UI-02438-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLLAR TREE STORES INC**  
Employer

**OC: 01/12/20  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

On March 20, 2020, the claimant filed an appeal from the March 11, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on April 29, 2020. Claimant participated. Employer participated through store manager Cindy Wroblewski.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on April 18, 2018. Claimant last worked as a part-time cashier. Claimant was separated from employment on January 12, 2020, when she resigned.

On Friday, January 10, 2020, claimant worked. She did not feel well. Store manager Cindy Wroblewski made comments to claimant about talking too much and taking too long to check out customers.

On Saturday, January 11, 2020, claimant was sick and was scheduled to work at 12:00 p.m. At 9:00 a.m., claimant woke up and did not feel well. Claimant called assistant manager Tammy and told her she would be absent. At about 12:00 p.m., a cashier named Marcia called claimant and told her that Tammy said to call her and tell her, “You’ve been fired. You’re supposed to come in and sign your paper.”

On Sunday, January 12, 2020, claimant was scheduled to work at 8:30 a.m. Claimant did not realize she was scheduled to work and thought she had been terminated. She did not report to work. At around 8:30 a.m., Wroblewski called claimant and left her a voice mail stating that she

was scheduled to work and asking claimant to contact her. Claimant never returned to work and did not contact Wroblewski.

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

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, claimant was told by an employee that an assistant manager terminated her employment. In fact, the assistant manager did not have authority to terminate claimant. Only store manager Cindy Wroblewski had that authority. Wroblewski called claimant the next day, stating she did not appear for her scheduled shift and asking claimant to call her. At that point, claimant was on notice she needed to follow up to see if in fact she had been terminated. Claimant did not do so and did not return to work.

Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. Since claimant did not follow up with Wroblewski, and her assumption of having been fired was erroneous, her failure to continue reporting to work was an abandonment of the job.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

**DECISION:**

The March 11, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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Christine A. Louis  
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May 1, 2020  
Decision Dated and Mailed

cal/scn