

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN BLASSINGILL

Claimant

APPEAL NO: 10A-UI-03535-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 01/24/10

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's March 3, 2010 decision (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on April 9, 2010. The claimant responded to the hearing notice, but was not available for the hearing. The claimant did not respond to the message left on his answering machine. Jonna Hay, an assistant manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on May 16, 2009. The claimant worked as a full-time customer service associate. The claimant requested and obtained a leave of absence November 30 through December 11, 2009. The claimant obtained and completed the correct paperwork for this leave of absence.

On January 4, 2010 the claimant contacted the employer and reported he was unable to work as scheduled that day. The claimant was scheduled to work after January 4 but he did not report to work. The employer has no record that the claimant contacted the employer before January 24 or 25, 2010. By the time the claimant returned to work, the employer had taken him off the schedule. As of January 9, 2010, the employer no longer considered him an employee because he had not reported to work or contacted the employer since January 4, 2010. When the claimant returned on January 24 or 25, the employer told him he would have to reapply to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit his employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. Based on the evidence presented during the hearing, the employer did not initiate the employment separation, the claimant did. When the claimant failed to call or report to work from January 5 through 24, he abandoned his employment and voluntarily quit. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6.2

Although the claimant asserted in his appeal letter he contacted the employer on January 7 about a leave of absence, the record does not establish that the claimant called the employer on this date. The claimant also may have requested a leave of absence, but he did not complete any paperwork nor did he talk to Joyce. She grants or denies leaves for the employer. The evidence indicates the claimant abandoned his employment and did not establish why he abandoned his employment. Therefore, as of January 24, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 3, 2010 decision (reference 02) is affirmed. The claimant voluntarily quit his employment by abandoning it. The claimant did not establish that he quit for reasons that qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 24, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css