

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FAYE A OLSEN
Claimant

APPEAL NO. 13A-UI-09710-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RISEN SON CHRISTIAN VILLAGE
Employer

OC: 07/14/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated August 15, 2013, reference 02, that denied unemployment insurance benefits. A telephone hearing was scheduled for September 26, 2013. The claimant, the appellant herein, did not respond to the notice of hearing. The employer participated by Ms. Debra Weihs, Human Resource Director. Based upon the appellant's failure to participate in the hearing, the administrative file and the record, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

At issue in this matter is whether the decision previously entered should be affirmed.

FINDINGS OF FACT:

The parties were properly notified of the scheduled hearing on this appeal. The appellant failed to provide a telephone number at which she could be reached for the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

Faye Olsen was employed as a full-time payroll worker for Risen Son Christian Village from June 5, 2013 until July 9, 2013 when she quit employment without advance notice. The claimant stated that she did not believe that the job was for her, although the employer was satisfied with the claimant's progress. Work continued to be available to Ms. Olsen at the time that she chose to leave employment.

REASONING AND CONCLUSIONS OF LAW:

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 26.8(3), (4) and (5) provide:

Withdrawals and postponements.

(3) If, due to emergency or other good cause, a party, having received due notice, is unable to attend a hearing or request postponement within the prescribed time, the presiding officer may, if no decision has been issued, reopen the record and, with notice to all parties, schedule another hearing. If a decision has been issued, the decision may be vacated upon the presiding officer's own motion or at the request of a party within 15 days after the mailing date of the decision and in the absence of an appeal to the employment appeal board of the department of inspections and appeals. If a decision is vacated, notice shall be given to all parties of a new hearing to be held and decided by another presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision.

(4) A request to reopen a record or vacate a decision may be heard ex parte by the presiding officer. The granting or denial of such a request may be used as a grounds for appeal to the employment appeal board of the department of inspections and appeals upon the issuance of the presiding officer's final decision in the case.

(5) If good cause for postponement or reopening has not been shown, the presiding officer shall make a decision based upon whatever evidence is properly in the record.

The administrative law judge has carefully reviewed the evidence in the record and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed.

The claimant left employment without advance notice because she was not satisfied with her progress in learning her job duties, although the employer was satisfied with the claimant's work. Work continued to be available to the claimant at the time that she left employment. Good cause for leaving attributable to the employer has not been shown.

Pursuant to the rule, the appellant must make a written request to the administrative law judge that the hearing be reopened within 15 days after the mailing date of this decision. The written request should be mailed to the administrative law judge at the address listed at the beginning of this decision and must explain the emergency or other good cause that prevented the appellant from participating in the hearing at its scheduled time.

DECISION:

The unemployment insurance decision dated August 15, 2013, reference 02, is remain in effect. Benefits are denied 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. The claimant left employment without good cause attributable to the employer.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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