

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GEMMA M WILLIAMOWSKI**  
Claimant

**APPEAL NO: 14A-UI-11836-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 10/26/14**

**Claimant: Appellant (5)**

Section 96.5-1 – Voluntary Leaving  
Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Gemma M. Williamowski (claimant) appealed a representative's November 12, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Care Initiatives (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 8, 2014. The claimant participated in the hearing. Jennifer Rice of Equifax/TALX Employer Services appeared on the employer's behalf and presented testimony from one witness, Mariam Salucci. Based on 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.

**ISSUE:**

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on May 21, 2013. She worked full time as a certified nursing aide (CNA) at the employer's Cedar Rapids, Iowa nursing and rehabilitation center. Her last day of work was September 28, 2014.

The claimant had been having a number of personal and family issues, and about September 21 had attempted to resign. On September 29 the claimant called in an absence because her babysitter had quit. She was then a no-call, no-show for her scheduled shifts on September 30 and October 2, as well as thereafter. On at least September 30 she had forgotten to call because of being overwhelmed with her personal and family issues, and then she subsequently decided not to call because she assumed that her employment was ended due to her no-call, no-shows.

**REASONING AND CONCLUSIONS OF LAW:**

A voluntary quit is a termination of employment initiated by the employee – where the employee has taken the action which directly results in the separation; a discharge is a termination of employment initiated by the employer – where the employer has taken the action which directly results in the separation from employment. Rule 871 IAC 24.1(113)(b), (c). A claimant is not eligible for unemployment insurance benefits if she quit the employment without good cause attributable to the employer or was discharged for work-connected misconduct. Iowa Code §§ 96.5-1; 96.5-2-a.

Rule 871 IAC 24.25 provides that, 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 rule further provides that there are some actions by an employee which are construed as being voluntary quit of the employment, such as where an employee believes that she is going to be or has been discharged, but where the employer has not told the claimant that she is discharged. Rule 871 IAC 24.25(33). A voluntary quit is also found where an employee simply ceases reporting for work.

The claimant ceased reporting for work without being advised that the employment had ended; therefore, the separation is considered to be a voluntary quit. The claimant then has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. While the claimant might have had good or even compelling personal or family reasons for quitting, her period of absence exceeded ten days. Rule 871 IAC 24.25(17), (20), (23). The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's November 12, 2014 decision (reference 01) is modified with no effect on the parties. The claimant voluntarily left her employment without good cause attributable to the employer. As of October 2, 2014, benefits are withheld until such time as the claimant 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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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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