

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICOLETTE M JUHL**  
Claimant

**APPEAL NO. 13A-UI-05249-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRIC LTD**  
Employer

**OC: 04/07/13**  
**Claimant: Appellant (2R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the representative's decision dated April 23, 2013, reference 01, which held that the claimant was not eligible for unemployment insurance benefits. After due notice, a hearing was held by telephone conference call on June 11, 2013. The claimant participated personally. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Nicolette Juhl.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a Cost Cutters hair salon located in Waterloo, Iowa. The claimant was hired on October 18, 2004. She was a stylist. On March 25, 2013, the claimant gave her employer an oral two-week notice of her intent to resign her position. The claimant was willing to work through April 8, 2013. The employer immediately terminated the claimant's employment and told her to leave the store.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.25(38) 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:

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

The claimant is eligible for benefits for the period of March 25, 2013, through April 8, 2013. The uncontroverted evidence is that the employer refused to honor the two-week notice given by the claimant on March 25, 2013, and immediately terminated her. This case is remanded to the claims division to consider whether the claimant can backdate her claim; whether she is able and available for work; and whether vacation pay was properly reported.

**DECISION:**

The decision of the representative dated April 23, 2013, reference 01, is reversed. The claimant is eligible for benefits from March 25, 2013, through April 8, 2013. This matter is remanded to the claims division to consider whether the claimant can backdate her claim; whether she is able and available for work; and whether vacation pay was properly reported.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs