

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MILLETTE M SCHAAP**  
Claimant

**APPEAL NO. 14A-UI-01386-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JNLC ENTERPRISES LLC**  
Employer

**OC: 12/29/13**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Millette Schaap, filed an appeal from a decision dated January 29, 2014, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on February 27, 2014. The claimant participated on her own behalf. JNLC participated by Chief Operations Officer Tom Hauer.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Millette Schaap was employed by JNLC from June 2011 until October 19, 2013 as a part-time server. She was scheduled to work at 5:00 p.m. October 11, 2013, and texted Chief Operations Officer Tom Hauer at 4:52 p.m. stating she would not be in due to illness. Mr. Hauer tried to call her back, and so did a friend and co-worker, but she did not answer. She had overslept due to being sick and did not call in earlier.

Because Ms. Schaap did not respond to text messages or phone calls, the employer was not certain whether she would be in for her scheduled shift on October 12, 2013, at 2:00 p.m. As a precaution Mr. Hauer found a substitute and texted the claimant to say she did not need to come in.

Continuing work was available to her through the first week in November 2013, when that portion of the business was closed, but the employer did have all employees at that location reassigned to other parts of the business, and had to hire a replacement for Ms. Schaap since she never returned to work.

**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.

The claimant had continuing work available to her after October 12, 2013, had she elected to contact the employer to indicate she was still available. Her assumption that being replaced for one shift constituted a lay off is not credible. She made no attempt to contact Mr. Hauer to discuss the situation, but made certain assumptions that the employer would contact her, rather than her calling to clarify the situation.

The administrative law judge considers this to be job abandonment which is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

**DECISION:**

The unemployment insurance decision dated January 29, 2014, reference 01, is affirmed. Millette Schaap is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs