

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEEDEE M ZUNIGA
Claimant

APPEAL NO. 07A-UI-02051-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCOTTISH RITE PARK INC
Employer

**OC: 01/28/07 R: 02
Claimant: Respondent (2)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Scottish Rite Park, filed an appeal from a decision dated February 23, 2007, reference 01. The decision allowed benefits to the claimant, DeeDee Zuniga. After due notice was issued a hearing was held by telephone conference call on March 14, 2007. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Director of Nursing (DON) Cindy Running.

ISSUE:

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

FINDINGS OF FACT:

DeeDee Zuniga was employed by Scottish Rite Park from June 9, 2006 until January 28, 2007, as a part-time certified nursing assistant. She worked a weekend package which meant she worked only on Saturdays and Sundays,

Ms. Zuniga had requested the weekend of January 20, and 21, 2007, off and it was granted. During the prior weekend of January 13 and 14, 2007, she had been saying good-bye to some of the residents, informing them that was her last weekend to work. DON Cindy Running heard reports of this and attempted to contact the claimant to determine if she intended to quit but was unable to reach her by phone.

The claimant was no-call/no-show for her 6:30 a.m. to 3:00 p.m. and the 2:30 p.m. to 10:00 p.m. shift on January 27, 2007. However, she was seen in the facility that day visiting with some of the residents. The next day Ms. Running contacted the claimant and notified her that she no longer had a job.

DeeDee Zuniga filed a claim for unemployment benefits with an effective date of January 28, 2007. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

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 essentially announced her decision to quit two weeks prior to January 28, 2007, when she began telling residents that would be her last weekend to work. She knew two weeks in advance she did not intend to work her scheduled shifts on January 27, 2007, and did not bother to inform the employer of her decision. There was obviously nothing preventing her from coming to work that day, because she was in the facility for personal visits with the residents. The administrative law judge considers this to be evidence of an intent to discontinue her employment. The record does not establish good cause attributable to the employer for quitting and the claimant is disqualified.

DECISION:

The representative's decision of February 23, 2007, reference 01, is reversed. DeeDee Zuniga is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs