

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CANDICE L PARKER**  
Claimant

**APPEAL NO: 18A-UI-01965-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMANDA ENTERPRISES INC**  
Employer

**OC: 12/31/17**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving  
Section 96.3-7 – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the January 31, 2018, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 8, 2018. The claimant participated in the hearing. Amanda Johnson, Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was rehired as a full-time house cleaner for Amanda Enterprises (Merry Maids) September 8, 2017. She was separated from her employment December 12, 2017.

On November 30, 2017, the claimant texted the employer that she was ill and was going to the hospital because she had an ongoing kidney stone issue. She later texted the employer and said the doctor took her off work for one week and she had a doctor's note. The employer responded there was no problem and expected the claimant to return to work December 7, 2017. The claimant did not show up or call December 7, 8, 11, 12, 13, 14, 15 or 18, 2017. On December 19, 2017, the claimant texted the employer and asked to be placed on the schedule the following day. She said she had some personal and health issues but wanted to return to work because she was "desperate for money." The employer told the claimant she was not going to rehire her again because she did not return to work in a week as she had said she would November 30, 2017, and the employer had not heard from the claimant since that date. The claimant asked if she was being fired and the employer stated it considered her to have voluntarily quit her job.

The claimant has not received benefits since her separation from this employer.

The employer participated personally in the fact-finding interview through the statements of Manager Amanda Johnson.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

While the claimant was absent from November 30 through December 7, 2017, due to properly reported illness, she failed to contact the employer from December 8 through December 18, 2017. Absences due to illness are not disqualifying if properly reported to the employer. In this case it is not clear that the claimant's absences were all due to illness and she failed to properly report any absence between December 8 and December 18, 2017. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive work days in violation of the employer's policy, she is considered to have voluntarily left her employment without good cause attributable to the employer. Therefore, benefits are denied.

There is no overpayment of benefits as the claimant has not received any benefits since her separation from this employer.

**DECISION:**

The January 31, 2018, reference 02, decision is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant is not overpaid benefits.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn