

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**LINDSAY R REICHARD**  
Claimant

**CARPE DIEM I LLC**  
Employer

**APPEAL NO. 21A-UI-05388-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 11, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 12, 2021. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Claimant's exhibits A-B were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 23, 2020. On that night, claimant was suffering from a kidney stone and could not continue working as she went to the hospital.

Claimant contacted employer by text on November 27 asking if she was needed to work on November 28. Employer said no. Claimant then asked if she was coming back on November 29. Employer did not respond. Claimant next texted employer on December 4 stating she wanted to come pick up her check. Claimant's last contact with employer came on February 5, 2021 when she asked if there were any hours available. There were not.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship by not staying in contact with employer after she'd recuperated from having her kidney stone removed.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, it was understandable that claimant had to leave her shift because of kidney stones. Claimant was not in contact with employer for a few days after she left work and employer had reasonably already filled out the schedule for claimant's upcoming shifts. Claimant then went another week, and instead of asking to be placed back on the schedule when she could be, claimant just asked to pick up her check. Claimant did not contact employer again for two months. This constitutes a quit without good cause.

**DECISION:**

The decision of the representative dated February 11, 2021, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



---

Blair A. Bennett  
Administrative Law Judge

May 19, 2021  
Decision Dated and Mailed

bab/ol