

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA K WILLIAMS

Claimant

WESLEY RETIREMENT SERVICES INC

Employer

APPEAL NO: 11A-UI-13983-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/02/11

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 20, 2011, reference 01, that held she voluntarily quit without good cause attributable to her employer on October 1, 2011, and benefits are denied. A telephone hearing was held on November 22, 2011. The claimant did not participate. Lafonda Davidson, HR Representative, Randi Kearse, D.O.N., and Chrystal Sells, Nurse, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time C.N.A. from November 30, 2010 to October 1, 2011. There was an occasion during her employment where she threatened to walk off the job. The nursing director told her if she did it would be considered job abandonment.

The claimant reported to work at 2:00 pm on October 1, looked at her work schedule, got upset, and left a short time later without supervisor permission. When she reported to work the next day, the employer stopped her from clocking in with the message she had abandoned her job the day before that is a voluntary quit of employment.

Claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

871 IAC 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 § 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 § 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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to job abandonment on October 1, 2011.

The employer had warned claimant that leaving the job would be considered job abandonment unless approved, and her action of leaving on October 1 without supervisor approval is considered a voluntary quit due to the prior warning.

DECISION:

The department decision dated October 20, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on October 1, 2011 when she left her job without permission. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs