

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA A SHARPBACK
Claimant

APPEAL NO. 11A-UI-16401-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**WINNEBAGO TRIBE OF NEBRASKA
WINNAVEGAS**
Employer

**OC: 11/27/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Job Abandonment

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 21, 2011, reference 01, which held she voluntarily quit without good cause on November 12, 2011, and benefits are denied. After due notice, a hearing was scheduled for and held on January 25, 2012. Claimant participated. Employer participated by Cindy Coleman, HR Generalist.

ISSUE:

Whether claimant separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked for employer as a full-time table game dealer from November 23, 2010 to November 12, 2011. The claimant last worked about Monday, November 7, and she failed to call-in and report to work for a three-workday period ending November 12. The employer policy is a three-day, no-call/no-show to work is a voluntary quit due to self termination.

At department fact finding claimant stated she quit due to domestic violence. Her husband struck her causing a bruise and she did not want to go to work showing the mark. During the hearing, she stated she stopped coming to work because her gaming manager told her if she missed further work she would be terminated. She stated the smoky environment affected her asthma, but her doctor did not advise her to quit. She complained about being intimidated by Supervisor Butler with a written complaint. Her gaming manager told claimant he talked with Butler about it.

REASONING AND CONCLUSIONS OF LAW:

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 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.

The administrative law judge concludes claimant voluntarily quit without good cause attributable to the employer effective November 12, 2011.

The claimant admitted she stopped coming to work after she was assaulted by her husband that left a visible bruise, which she did not want to be seen at work. There is no good cause attributable to the employer for claimant ceasing employment for this reason.

The other reasons offered by claimant are for good personal considerations but not attributable to the employer. Claimant stopped coming to work that is job abandonment pursuant to the employer policy.

DECISION:

The department representative's decision dated December 21, 2011, reference 01, is affirmed. Claimant voluntarily quit without good cause attributable to the employer on November 12, 2011. 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.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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