

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY A WOODWARD-WILLIG
Claimant

APPEAL NO: 11A-UI-05028-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROSS HOLDINGS LLC
Employer

**OC: 03/13/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(20) – Personal Reasons

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 5, 2011, reference 01, that held she voluntarily quit employment without good cause on February 27, 2011, and benefits are denied. A telephone hearing was held on May 10, 2011. The claimant participated. Diana Roberts, Corporate Office Manager, and Kim Dye, Supervisor, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with 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 last began work for the employer as a full-time TSR on September 29, 2010 and last worked for the employer part time on February 27, 2011. After ten-day period of absence, the employer called the claimant on March 9 about her employment situation. Claimant stated she was having personal problems, and the employer suggested she might want to leave employment. Claimant responded that she was quitting her job in order to attend to her personal matters.

Claimant failed to respond to the hearing notice.

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.

871 IAC 24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer effective March 9, 2011 for personal reasons.

When the employer called claimant on March 9 to question her about a lengthy employment absence, it learned she was having some personal problems. The claimant decided to quit rather than to continue her employment.

DECISION:

The department decision dated April 5, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on March 9, 2011. Benefits are denied until the claimant has worked in and is 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/css