

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**NYANAKA PLEAS**

Claimant

**APPEAL NO. 18A-UI-02777-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KWIK SHOP INC**

Employer

**OC: 05/21/17**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Nyanaka Pleas (claimant) appealed a representative's February 20, 2018, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Kwik Shop (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 27, 2018. The claimant participated personally. The employer was represented by Thomas Kuiper, Hearings Representative, and participated by Dawn King.

**ISSUE:**

The issue is whether the claimant was 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 that: The claimant was hired on June 22, 2017, as a full-time store associate. The employer's handbook was available to the claimant on line. The claimant requested and was granted a day off on January 5, 2018, to go to Chicago Illinois, to retrieve her son. The claimant had January 6, 2018, off and planned to return. On January 7, 2018, the claimant sent a text to the manager saying that nothing was going right and it was more than lack of a baby sitter. She told the manager she might put in her two-week notice of resignation. The manager asked her if she was coming to work that night. The claimant did not reply.

On January 8, 9, and 11, 2018, the claimant did not appear for work and did not call to inform the employer of the reason for the failure to appear for work. The employer has a policy that an employee will be considered to have quit if the employee is absent for three days without giving notice to the employer. The claimant was considered to have quit on January 12, 2018, for failing to appear for work without notice for three days.

The claimant asserts that her son was in the hospital from January 7 to 12, 2018, but she did not tell the employer of the hospitalization. The claimant did not call the employer to report her absence because her cellphone died and she did not know how to find the employer's telephone number if her cellphone was not working.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge finds the claimant voluntarily quit work without good cause attributable to the employer.

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.

The claimant was absent from work for three days without giving notice to the employer. The employer has a rule that if the employee is absent without notice to the employer for three days the employee is deemed to have voluntarily quit. The claimant is deemed to have voluntarily quit based on her absence from work for three days without giving notice to the employer. There is no evidence of good cause attributable to the employer.

**DECISION:**

The representative's February 20, 2018, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs