

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TABITHA J NOFAL
Claimant

APPEAL NO. 10A-UI-16153-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE H&H COMPANY
STARLITE ROOM
Employer

OC: 10/17/10
Claimant: Respondent (2-R)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, H&H, filed an appeal from a decision dated November 18, 2010, reference 02. The decision allowed benefits to the claimant, Tabitha Nofal. After due notice was issued a hearing was held by telephone conference call on January 12, 2011. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Manager Amber Campbell.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Tabitha Nofal was employed by H&H from the beginning of May 2010 until May 30, 2010 as a part-time waitress. At the time of hire the claimant acknowledged she had been looking for another job but she would consider her job with H&H to be her primary job and she would “stop looking for something else.”

On May 26, 2010, Manager Amber Campbell received a text message at 10:00 p.m. from Ms. Nofal. The text message said the claimant could not come to work the next day at 10:00 a.m. because she had to work her other job. Ms. Campbell tried to call her back but no one answered, so she returned the text message with one of her own stating that Ms. Nofal had to come to work as scheduled. The claimant was no-call/no-show to work for her shift on May 27, 2010, and for her other scheduled shifts on May 29 and 30, 2010. She has not contacted the employer since the text message on May 26, 2010, and H&H considered her to have abandoned her job.

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.

The claimant quit by refusing to continue working for the employer. As she did not participate in the hearing the reasons are not known why she refused to continue working. She had not informed the employer she had another job nor asked for any accommodations for another work schedule. Nonetheless, she had assured the employer that she would make her job at H&H her primary concern and obviously did not do so.

The record establishes the claimant quit work without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of November 18, 2010, reference 02, is reversed. Tabitha Nofal is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs