

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE D JOHNSON**  
Claimant

**APPEAL NO. 08A-UI-04430-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 04/06/08 R: 03**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Julie Johnson filed an appeal from a representative's decision dated April 28, 2008, reference 01, which denied benefits based upon her separation from Hy-Vee, Inc. After due notice was issued, a hearing was held by telephone on May 22, 2008. Ms. Johnson participated personally. The employer participated by Tim Speir, hearing representative, and witnesses Dan Stream, kitchen manager, and Dwight Hoch, store director.

**ISSUE:**

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from May 25, 2005, until March 16, 2008, when she voluntarily quit work by discontinuing to report for scheduled employment. Ms. Johnson was employed as a part-time kitchen clerk and was paid by the hour. Her immediate supervisor was Dan Stream. Ms. Johnson voluntarily quit her employment by discontinuing to report for scheduled work after March 16, 2008. Although scheduled to work on March 18, 2008, she called in before her shift and indicated that she would report later, and the claimant then did not report or provide additional notification. On March 19, 2008, the claimant indicated that she was going to the doctor but did not do so. On March 22, 2008, the claimant did not call or notify the employer of her impending absence. Later in the day on March 22, 2008, the claimant notified the employer that she would not be able to report for scheduled work for an extended period for medical/psychological issues. The claimant was informed at that time that she had been separated from employment for failure to report and provide proper notification.

It is the claimant's position that she "believes" that she provided notification on some of the days in question. Ms. Johnson was in the process of adjusting medication for a psychological issue during the time.

### **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence establishes that the claimant provided proper notification to her employer of impending absences for three or more consecutive workdays. It does not.

The evidence in the record establishes that Ms. Johnson had indicated on some days that she would be reporting to work later after visiting her doctor but did not do so and provided no additional notification to the employer. On other days, the claimant did not report or provide any notification. The administrative law judge concludes that the employer has, by a preponderance of the evidence, established the claimant failed to report for scheduled work for three or more consecutive days and did not provide proper notification, leading the employer to the reasonable conclusion that the claimant had voluntarily quit her employment.

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(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.

For the reasons stated herein, the administrative law judge concludes that the claimant voluntarily quit work by failing to report for work for three days in a row and not notifying the employer adequately of the reason. The quitting was not caused by the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated April 28, 2008, reference 01, is hereby affirmed. The claimant quit work for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided she is otherwise eligible.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

kjw/kjw