

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOREEN M SANFRATELLO
Claimant

APPEAL NO. 07A-UI-11151-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CSL INC
CHAPPY'S SAFARI LOUNGE
Employer

OC: 11/04/07 R: 03
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Doreen Sanfratello, filed an appeal from a decision dated November 28, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 18, 2007. The claimant participated on her own behalf. The employer, CSL, Inc., participated by Owner Brian Chapman and Kitchen Manager Jennifer Risting.

ISSUE:

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

FINDINGS OF FACT:

Doreen Sanfratello was employed by CSL, Inc. from May 30, 2002 until November 7, 2007, as a part-time cook. On November 7, 2007, she was six minutes late to work. Owner Brian Chapman spoke with her and asked her why she was late and she said her granddaughter had forgotten to take something out of her car and she had to take it to her at school. The employer then told her it was “unacceptable” for her to be late without calling in. Without a call the employer would not know if she would be arriving late or would have to be replaced.

Ms. Sanfratello apologized and the employer told her again it was unacceptable for her to be late without calling. At that time the claimant punched out, made a general statement to the kitchen saying, “Thank you for my job. Have a nice life.” She did not return to work after that.

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(28) 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:

(28) The claimant left after being reprimanded.

The claimant quit because she was unhappy the employer had admonished her about being late without calling. She felt it was unfair for the employer to tell her it was "unacceptable." This is a voluntary quit after being reprimanded. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of November 28, 2007, reference 01, is affirmed. Doreen Sanfratello is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs