

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MAYRA J WORLEY
Claimant

MERCER HEALTH & BENEFITS ADMINIST
Employer

APPEAL NO. 15A-UI-12991-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/10/15
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 20, 2015, reference 05, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 11, 2015. Claimant participated. Employer participated by hearing representative, Kathy Lauritzen, with witnesses, Leah Denny, Kandi Wilder, and Julie Larsen. Employer's Exhibits 2-3 were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 19, 2015. Claimant was separated from work by not showing up for work on three consecutive days or calling into work to alert work of claimant's actions. On October 26, 2015 through October 28, 2015 claimant did not call or show for work. When employer sent out a letter to claimant on October 28, 2015 asking claimant to be in contact with employer or show for work by November 2, 2015, claimant did neither. Employer interpreted this as a quit.

Claimant wanted to change her hours of work for employer such that she could better address daycare issues. Employer was amenable to the changes suggested by claimant, but asked that claimant come into work to sign a new contract. Employer attempted on multiple days to be in contact with claimant, but claimant did not return the calls from employer.

Claimant did not show for work after October 19, 2015. Claimant stated that she thought she should stay home until she was called in by her supervisor. Claimant did not attempt to contact anyone after October 23, 2015, and on her last text message she stated that she was having to quit because of childcare issues.

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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was unable to get her childcare coordinated in such a way that it would allow her to continue work. As claimant did not respond to employer's requests for her to be in contact, claimant had abandoned her job. Benefits are denied

DECISION:

The decision of the representative dated November 20, 2015, reference 05, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css