

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JANE E DAVIS  
1112 E MAIN ST  
MARSHALLTOWN IA 50158**

**SAC & FOX TRIBE  
MESKWAKI BINGO CASINO & HOTEL  
1504 – 305<sup>TH</sup> STREET  
TAMA IA 52339-9697**

**Appeal Number: 05A-UI-01518-CT  
OC: 01/16/05 R: 02  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jane Davis filed an appeal from a representative's decision dated February 10, 2005, reference 01, which denied benefits based on her separation from Meskwaki Bingo Casino & Hotel (Meskwaki). After due notice was issued, a hearing was held by telephone on February 28, 2005. Ms. Davis participated personally. The employer participated by Marla Stevens, Administrative Assistant, and Mike Wanatee, Department Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Davis began working for Meskwaki on May 30, 1999 as

a full-time housekeeper. Her last day at work was January 4, 2005. She called to report that she would be absent due to illness on January 8, 9, 10 and 11. The employer did not hear anything further from her until January 20 when she reported to the workplace to see if she still had employment. The employer has a work rule, of which Ms. Davis was aware, which provides that three consecutive unreported absences will be considered a voluntary quit. Pursuant to this policy, Ms. Davis was not allowed to return to work.

During the time Ms. Davis was not reporting her absences, there was a snowstorm in the area, which effected telephone service. Her husband walked to a nearby store to contact the telephone company. Ms. Davis did not have him contact the employer on her behalf. Her son also visited during this time, but he was not asked to contact the employer for Ms. Davis. During this same time frame, Ms. Davis was having trouble with her vehicle and had not been able to have repairs done. Her failure to report for work or contact the employer for an extended period of time was the sole reason for the separation.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Davis was separated from employment for any disqualifying reason. The administrative law judge concludes that she abandoned her job when she stopped reporting for work without notice to the employer. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). An individual who is absent from work for three days without notice in violation of a known work rule is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(4). Inasmuch as the evidence of record does not establish any cause attributable to Meskwaki for the quit, benefits are denied.

The administrative law judge has considered whether Ms. Davis had good cause or justification for not contacting the employer after January 11, 2005. Eight days elapsed between when she called on January 11 to report that she would be absent due to illness and January 20 when she made inquiry about her job. Although her testimony was conflicting at times, Ms. Davis testified that she was without telephone service for four days. This would not explain why she did not contact the employer during the remaining four days between January 11 and January 20. The evidence does not establish any justification for the failure to give the employer notice of the intended absences.

#### DECISION:

The representative's decision dated February 10, 2005, reference 01, is hereby affirmed. Ms. Davis quit her employment with Meskwaki for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/sc