

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LASHAMONEEK C LATTIN**

Claimant

**APPEAL NO: 09A-UI-15570-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APAC CUSTOMER SERVICES OF IOWA**

Employer

**OC: 09/06/09**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed a representative's October 5, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the employer's account was not subject to charge because the claimant voluntarily quit her employment without good cause attributable to the employer. A telephone hearing was held on November 18, 2009. The claimant participated in the hearing. Turkessa Hill, a human resource generalist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on August 18, 2008. The claimant worked as a full-time customer service representative. Before the claimant went on maternity leave, she had an attendance issue that the employer was working with her on.

The claimant's child was born on July 4, 2009. The claimant went on maternity leave, and the employer expected her to return to work on August 26, 2009.

The claimant's physician released her to return work on July 28, 2009. The claimant contacted the employer in early August about returning to work. The claimant talked to Hill about the possibility of working a different shift because she had problems finding infant care and her vehicle was not working. Hill told the claimant she had time to resolve these issues before her maternity leave ended. They talked about the claimant riding to work with a co-worker.

After the early August conversation but prior to August 19, Hill received a wage verification form for the claimant. When she received this form, Hill assumed the claimant bought a new vehicle so she had transportation to work. On August 19, 2009, the claimant again talked to Hill.

During this conversation, Hill understood the claimant resigned because she had accepted a job with another employer who was located on a bus route. The employer accepted the claimant's resignation on August 19, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a.

This case involves a credibility issue. The claimant asserted the employer told her on August 19 she could return to work on August 31. The claimant further asserted a co-worker gave her a ride to work on August 31, but the employer would not allow her to work because she was not scheduled and was no longer considered an employee. The claimant was told Hill was in a meeting and was not available to talk to. Even though the claimant asserted her supervisor did not understand why she was not on the schedule on August 31, Hill was never told the claimant reported to work on August 31. Since Hill did not know the claimant allegedly reported to work on August 31, the facts do not support the claimant's version of events. Also, the claimant's assertion that Hill suggested she apply for work at Burlington Coat Factory does not make sense when the employer had been working with the claimant on her attendance issues. The logical sequence of events supports Hill's version, which is reflected in the Findings of Fact. As of August 19, Hill assumed the claimant had her transportation issue resolved by buying another vehicle. Therefore, it would be illogical for her to suggest the claimant apply for a job with another employer who was located on a bus route. Also, since the claimant's maternity leave was not over, the employer had no reason to end the claimant's employment as of August 19 unless the claimant submitted her resignation. A preponderance of the credible evidence establishes the claimant resigned on August 19.

When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2. On August 19, the claimant may have thought she would be working at Burlington Coat Factory or at least that is what she told the employer. Since there is no evidence the claimant accepted a job offer from Burlington Coat Factory or worked there in August or September, the claimant did not establish that she quit her employment for reasons that qualify her to receive benefits. Iowa Code section 96.5-1-a. The law presumes a claimant voluntarily quits without good cause when she leaves employment because she does not have transportation or child care. 871 IAC 24.25(1) & (17). If the claimant quit because she had accepted other employment and had worked for the new employer, she would be eligible to receive benefits. Iowa Code section 96.5-1-a. A preponderance of the credible evidence establishes the claimant quit for reasons that do not qualify her to receive benefits. She is disqualified from receiving benefits as of September 6, 2009.

**DECISION:**

The representative's October 5, 2009 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The

claimant is disqualified from receiving unemployment insurance benefits as of September 6, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs