

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**ALISA M NEWTON**  
Claimant

**SALLY BEAUTY SUPPLY LLC**  
Employer

**APPEAL NO. 17A-UI-08595-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/30/17**  
**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 August 16, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 8, 2017. Claimant participated. Employer participated by Danielle Livermore.

**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 July 5, 2017. Claimant voluntarily quit her job on July 5, 2017, knowing that she was likely to be terminated after walking out on her work shift on July 4, 2017 and being intoxicated at work on that same date.

Claimant was a full time sales associate for employer. Claimant missed a number of days from her work schedule as she was attending to a sick daughter. Additionally, claimant missed a number of days as a result of battling alcoholism. Claimant received a written warning and a termination warning for her absences.

On July 4, 2017, claimant was scheduled to work. Claimant stated that she left work in the middle of her shift as she had to take her daughter to Peoria, Illinois for cancer treatments as her daughter had gone blind the night before. Claimant stated that she only found out about this an hour beforehand and notified employer as soon as she found out. Claimant stated that she then went to take her daughter, and came to work the next day. Claimant said that employer terminated her that day for an absence after a termination warning had been issued.

Employer stated that claimant had appeared at work on July 3, 2017 while intoxicated. Claimant was very apologetic to employer who'd allowed claimant time off a month earlier to go through treatment. Employer stated claimant showed up for work on July 4, 2017 and left on her lunch break. Claimant did not show back up to work for three hours, and when she

returned, she was intoxicated and not wearing proper work clothing. She arrived back at work with her boyfriend, and left a short time later.

Employer stated that the manager met with claimant the next day. At the time of the meeting, no decision had been made as to claimant's job status, although it was very likely that claimant would have been terminated, but human resources makes those decisions. Employer stated that claimant repeatedly stated that she was sorry, and placed her keys on the office desk and left. She had not been fired when she left.

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

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 ashamed about her alcoholism and her actions surrounding work as a result of her alcoholism.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *State v. Holtz*, Id. In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *State v. Holtz*, Id. Here claimant's testimony which completely omitted her alcoholism battles and its attendant absences from work draws into question her credibility. Employer's witness was much more credible than claimant. As such, it is believed that claimant voluntarily quit and was not terminated from her employment. Claimant's voluntary quit was not with good cause attributable to employer, but rather as a result of her own actions.

**DECISION:**

The decision of the representative dated August 16, 2017, reference 01, 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/scn