

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAMANTHA J RICHMAN
Claimant

APPEAL NO: 12A-UI-10462-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OAK PARK PLACE OF DUBUQUE II LLC
Employer

OC: 07/29/12
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 20, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Cheryl Logan appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in late November 2011. The claimant worked as a full time CNA.

The employer gave the claimant a final written warning for on-going attendance issues on June 29, 2012. In mid-July, the claimant gave the employer a two-week notice that July 30 would be her last day of work because she had another job.

After the claimant gave the employer her resignation notice, the employer started noticing the claimant had attitude issues. On July 24, the claimant took a 55-minute lunch break instead of a 30-minute lunch break. On July 24 and 25, she took a 25 to 30-minute break instead of a 15-minute break. As a result of more attendance issues on July 24 and 25, the employer told the claimant that July 25 would be her last day of work instead of July 28. The employer ended the claimant's employment a day early because she had previously been warned about her attendance and had already received a final warning.

The employer learned sometime after July 30, that the claimant quit because she thought she had another job, but did not. The employer also heard that the claimant asked former

co-workers if the employer had any positions open. The employer did not have any open position.

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 §§ 96.5(1), (2)a. The claimant quit her employment in mid-July when she gave the employer her two-week notice. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The employer understood the claimant quit because she believed she had another job. The facts do not establish if the claimant had actually been offered another job or if she just hoped or assumed she had another job. Based on the evidence presented during the hearing, the claimant did not satisfy the requirements of Iowa Code § 96.5(1)a. The evidence presented at the hearing does not establish that the claimant quit for reasons that qualify her to receive benefits. As of July 29, 2012, the claimant is not qualified to receive benefits.

DECISION:

The representative's August 20, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment, but did not establish she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 29, 2012. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs