

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L RATCLIFF
Claimant

APPEAL NO: 09A-UI-15987-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LINN COMMUNITY CARE
Employer

OC: 08/30/09
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 23, 2009, reference 01, that held she voluntarily quit without good cause on September 3, 2009, and benefits are denied. A telephone hearing was held on November 30, 2009. The claimant participated. Danny McKinstry, Operations Director, participated for the employer.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began employment as a full-time office nurse on March 3, 2008, and last worked for the employer on September 3, 2009. On August 26, the claimant requested time off to attend a meeting on September 3rd for a personal matter that would cause her to miss work for two hours. Although the employer knew it was a court-related matter that did not directly involve the claimant, it requested a document to verify the need for the claimant to attend, as this was a work coverage issue for the employer. When the claimant failed to provide any document, her request was denied.

When the claimant failed to report for work on September 3rd, the employer contacted the claimant and told her if she did not come in, she would be fired. The claimant came in and worked from 9:00 a.m. to noon, left for lunch, and went to a meeting involving her daughter from 1:00 p.m. to 3:00 p.m. The claimant told a supervisor she was going to the meeting. After the meeting, the claimant called work and learned she was terminated.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes the claimant did not voluntarily quit work, but was not discharged for misconduct in connection with employment on September 3, 2009.

The employer treated the claimant's decision to leave work and attend the September 3 meeting as a voluntary quit rather than a discharge. The employer failed to offer any written employer policy as evidence that the claimant's actions constitute a quit. The employer intended to discharge the claimant for failing to report for work on the morning of September 3rd, but when she responded by coming in to work and later leaving for the meeting, the employer treated this as a quit. While the claimant was coy about the reason for needing to attend the meeting, this incident is not job disqualifying misconduct, as she put the employer on notice that she needed to attend (a good reason), and the denial was a coverage issue for the employer.

DECISION:

The department decision dated September 23, 2009, reference 01, is reversed. The claimant did not voluntarily quit, and she was not discharged for misconduct on September 3, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs