

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROXANNE ZAKUTNEY
Claimant

APPEAL NO: 19A-UI-06715-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WILD ROSE EMMETSBURG LLC
Employer

OC: 07/07/19
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 14, 2019, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 26, 2019. The claimant participated in the hearing. Katrina Williams, Human Resources Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time food and beverage server in Dunagans restaurant for Wild Rose Casino & Resort from November 28, 2018 to April 11, 2019. She voluntarily quit her job by failing to call or show up for work for three consecutive workdays in violation of the employer's policy.

The claimant failed to call the employer or report for work April 9, 10 and 11, 2019. She had been sick for a few days prior to that and called each day. The last time she called in her general manager told her she needed to call the security desk to report her absences and the claimant was upset because he did not ask her how she was doing or appear to care about her condition. Consequently, she did not call the employer for the next three scheduled workdays. The employer attempted to call her several times between April 9 and April 11, 2019, but did not get an answer or any response. The claimant testified she called the security desk April 11, 2019, but the employer does not have any record of a call on behalf of the claimant. The employer sent the claimant a certified letter April 11, 2019, notifying her that it considered her to have abandoned her job and ending her employment. The claimant signed for the letter April 17, 2019. She did not call the employer or report for work after April 11, 2019, because she was upset the general manager did not inquire about her health and she was dissatisfied with the work environment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant stopped calling in to report her absences because she was upset the general manager did not ask how she was doing when she was ill. That is not a good cause reason for failing to call the employer. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive work days in violation of the employer's policy, she is considered to have voluntarily left her employment without good cause attributable to the employer. Therefore, benefits are denied.

DECISION:

The August 14, 2019, reference 02, decision is affirmed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn