

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAWANNA L TAYLOR**

Claimant

**APPEAL NO. 08A-UI-09666-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CREST HAVEN CARE CENTRE**

Employer

**OC: 09/07/08 R: 03  
Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Crest Haven Care Centre (employer) appealed a representative's October 16, 2008 decision (reference 01) that concluded Tawanna L. Taylor (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 5, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Patty Lewis, the administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 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 October 23, 2007. The claimant worked off and on until she quit in mid-March 2008, when her knee began bothering her and she had surgery. The employer rehired the claimant on June 4, 2008. The employer hired the claimant then to work as a full-time certified nursing assistant.

In mid-August the claimant started reporting to work late and leaving work early. The claimant was scheduled to work on August 27, 2008. When the claimant did not report to work, the employer called her. The claimant indicated she would be at work. The claimant did not report to work on August 27, 2008. The claimant was not scheduled to work on August 28, but came to work to ask if she still had a job. The employer told her she was not discharged. At that time, Lewis understood the claimant only wanted to work weekends. Since the director of nursing did the scheduling and was not at work on August 28, Lewis asked the claimant to talk to the director of nursing on August 29 when both the claimant and the director of nursing were scheduled to work.

The claimant did not report to work on August 29 or call the employer to talk to the director of nursing. If the claimant had talked to the director of nursing, the employer would have continued her

employment and scheduled her to work weekends. The employer understood the claimant's school attendance prevented her from working during the week. When the claimant did not report to work or contact the director of nursing or the employer any time after August 28, the employer concluded the claimant had again quit her employment.

The claimant established a claim for benefits during the week of September 7, 2008. She has filed some weekly claims for benefits.

#### **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. Based on the evidence presented during the November 5 hearing, the claimant quit her employment by failing to report to work or contact the employer any time after August 28, 2008. When a claimant quits her employment, she has the burden to establish she quits for reason that qualify her to receive benefits. Iowa Code § 96.6-2.

Since the claimant did not participate in the hearing, it is not known why she did not report to work or talk to the director of nursing any time after August 28, 2008. As a result, the evidence establishes that she abandoned her employment and quit for reasons that do not qualify her to receive benefits. Therefore, as of September 7, 2008, the claimant is not qualified to receive unemployment insurance benefits.

The issues of whether the claimant has been overpaid or is eligible for a waiver of overpayment are remanded to the Claims Section to determine.

#### **DECISION:**

The representative's October 16, 2008 decision (reference 01) is reversed. 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 7, 2008. 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. The issues of whether the claimant has been overpaid or is eligible for a waiver of any overpayment are remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw