

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN M STEVENSON
Claimant

APPEAL NO. 10A-UI-11983-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ENERGIQUE
SEYA INC**
Employer

OC: 07/18/10
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 12, 2010 (reference 02) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on October 11, 2010. Claimant participated with Patty Kraft, who also acted as her representative, and Sarah Makey. Employer participated through human resources director Denise Baldwin and CEO Jess Rettig. Employer's Exhibits 1 through 10 were admitted to the record. Claimant's Exhibit A was admitted to the record. The administrative law judge took judicial notice of the administrative record.

ISSUE:

The issue is whether claimant voluntarily left the employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as a production worker and was separated from employment on July 8, 2010. On June 18, 2010 a termination letter was mailed to claimant for allegedly having failed to call or report for three consecutive work days but employer rescinded it after it determined she had contacted her supervisor on one of those days. While resolving the situation on June 22, 2010, Baldwin told her it was important for her to call in daily and that her attendance was of concern to the employer. (Employer's Exhibit 4) Her last day of work was June 23, 2010. Her last contact with employer was on June 24 when she called Baldwin to report her absence until she had some dental work done. Baldwin told her to present medical documentation. Claimant had asked the dental office to fax the medical information to the employer but did not follow up to make sure it was received. She was a no call-no show on scheduled work days June 25, 28, 29, 30, July 1, 2, 6, 7 and 8, 2010. On July 8 employer sent her a termination letter. (Employer's Exhibit 1)

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

While it would behoove the employer to be more specific about how and when the medical documentation is required, it was claimant's responsibility to account for her absences and not expect employer to call her to track down her medical information. Since claimant failed to communicate with the employer for nine days after having been told to call daily less than a month earlier, and failed to verify the employer received the appropriate medical information, her separation is considered to have been job abandonment without good cause attributable to the employer. Benefits are denied.

DECISION:

The August 12, 2010 (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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs