

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALYSSA K BETTS**  
Claimant

**APPEAL NO: 11A-UI-06063-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MOSAIC**  
Employer

**OC: 04/03/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 27, 2011 determination (reference 01) that disqualified her from receiving benefit 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 responded to the hearing notice, but was not available when she was called for the scheduled hearing. Al Todina, a representative for the employer, participated in the hearing. Nancy Seel and Brandi Bretthauer were present at the hearing to testify on the employer's behalf.

After the employer had been excused and the hearing had been closed, the claimant contacted the Appeals Section to participate in the hearing. The claimant requested that the hearing be reopened.

Based on the claimant's request to reopen the hearing, the administrative record, and the law, the administrative law judge finds the claimant did not establish good cause to reopen the hearing and is not qualified to receive benefits.

**ISSUES:**

Did the claimant establish good cause to reopen the hearing?

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in December 2009. She worked as a full-time direct support associate. The claimant wanted to become a supervisor, but the employer did not promote the claimant.

On March 18, 2011, the claimant gave the employer a five-day notice. The claimant worked one day after submitting her resignation.

The claimant responded to the hearing notice and provided a phone number to contact her for the scheduled hearing. The claimant was working at the time of the scheduled hearing, but talked to her current supervisor about participating in the phone hearing and received permission to participate in the hearing. When the claimant was called for her hearing, she was busy with a client at her new job and did not hear her cell phone or could not answer her cell phone. When the claimant was finished working with a client, she noticed she had been called and responded to the message left for her by contacting the Appeals Section. By the time the claimant was available for the hearing, the employer had been excused and the hearing had been closed. The claimant made a request that the hearing be reopened.

**REASONING AND CONCLUSIONS OF LAW:**

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c). Even though the claimant made arrangements with her new employer to participate at her hearing during her shift, the claimant was not available to participate in her hearing because she was busy working with a client at her new place of employment. Since the claimant could have contacted the Appeals Section to reschedule the hearing at time she was not working but did not, she did not establish good cause to reopen the hearing. Her request for another hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit when she submitted her resignation. 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 claimant had personal reasons for quitting, but quitting because the employer did not believe she had the necessary skills to become a supervisor does not qualify her to receive benefits. As of April 3, 2011, the claimant is not qualified to receive benefits.

**DECISION:**

The claimant's request to reopen the hearing is denied. The representative's April 27, 2011 determination (reference 01) is affirmed. The claimant established personal reasons for quitting, but these reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 3, 2011. 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css