

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIMANDA JOHNSON
Claimant

APPEAL NO. 10A-UI-10620-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

TM1 STOP LLC
Employer

OC: 10-25-09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 23, 2010, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 13, 2010. The claimant participated in the hearing. Heather Hoyt, Director, participated in the hearing on behalf of the employer.

ISSUE:

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

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 telephone sales representative for TM1 Stop from November 16, 2009 to June 14, 2010. She was having issues with her daughter and talked to Center Manager Dennis Dohrman around the beginning of June 2010 about taking some time off. She considered it to be a short-term leave of absence and stopped calling in to report her absences. When the claimant did not report for work or call in June 2, 3, and 4, 2010, her supervisor tried to call her; and then after the third day, considered her to have voluntarily quit her job. The claimant met with Mr. Dohrman June 14, 2010, and he gave her a separation letter to sign. The claimant asked if she could return to work June 21, 2010, and he told her she would have to reapply. The claimant was not aware she would have to do that but agreed and reapplied. While waiting to hear from the employer, she accepted a position with Market Link July 13, 2010, and worked there until being rehired by this employer August 6, 2010.

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:

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.

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. 871 IAC 24.25. The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant requested time off and asked to be gone from June 2 to June 21, 2010, but signed a separation letter June 14, 2010. The employer does not offer leaves of absence besides FMLA but will try to work with an employee needing time off. It does, however, expect the employee to continue calling in while absent and keep the employer informed of her situation. Because the employer does not offer formal leaves of absence, the claimant did not complete any paperwork and the employer did not know when the claimant planned to return to work. The claimant had a responsibility to call in each day and notify the employer she would be gone but did not do so. Under these circumstances, the administrative law judge must conclude the claimant voluntarily left her employment temporarily due to the informal leave of absence and by signing the separation letter. Her leaving was not attributable to the employer but, rather, because she needed extended time off to take care of the issues involving her daughter. Therefore, benefits are denied.

DECISION:

The July 23, 2010, reference 02, decision is affirmed. The claimant temporarily 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/kjw