

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

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**ORLONDO'S LLC
ORLONDO'S ON PARK BAR & GRILL
6336 HICKMAN STE 203
DES MOINES IA 50322**

**Appeal Number: 04A-UI-00106-LT
OC 11-23-03 R 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the December 24, 2003, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on January 28, 2004. Claimant did participate with Thomas Renda and Stephanie Waddell. Employer did participate through Patrick Renda.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time bartender and waitress supervisor through October 13, 2003 when she quit. A friend called in for her on October 9 and 10 to report her absences due to illness. On October 11, she reported for work but felt “mentally unable to work.” Employer’s cousin,

Thomas Renda, drove her home. Judge Renda is not an employee of Orlando's or compensated for his assistance but helps cousin, Patrick Renda, Owner, continue operation of the business while Mr. Renda is out of town, as he was at the time of claimant's separation. Claimant failed to report for work or contact employer for three weeks after October 13, 2003. She did not present a medical excuse for the absence period or present a release to return to work. Nor did she present medical information indicating she was not able to contact employer. She was able to communicate with Stephanie Waddell about her paycheck.

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.

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 (amended 1998).

Claimant's failure to maintain contact with employer or its acting representative for three weeks after October 13, 2003 indicates an intention to abandon her job. Her claim that she was unable to communicate with employer is not credible, as she was able to ask another employee about her paycheck. Nor has she presented any medical documentation indicating she was physically or mentally unable to report for work or communicate with employer. Claimant's abandonment of her employment is a disqualifying event. Benefits are denied.

DECISION:

The December 24, 2003, reference 01, 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.

dml/b