

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

VERNICE R DAWSON
Claimant

APPEAL NO. 18A-UI-07821-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

OC: 06/24/18
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Securitas Security Services USA (employer) appealed a representative's July 12, 2018, decision (reference 01) that concluded Vernice Dawson (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 13, 2018. The claimant participated personally. The employer was represented by Thomas Kuiper, Hearings Representative, and participated by Scott Peterson, Branch Manager, and Stacey Cooney, Scheduling Manager. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 30, 2018, as a full-time security officer. The employer's handbook allowed workers three days of bereavement leave. The claimant's father was killed in a car accident on June 13, 2018, in Illinois. She asked the scheduling manager for bereavement leave on June 20, 21, and 22, 2018. On June 15, 2018, the scheduling manager told the claimant she could have the days off but would call her back to discuss it on Monday, June 18, 2018.

On June 18, 2018, claimant was scheduled to work from 6:00 a.m. to 2:00 p.m. without any break. The scheduling manager was absent and so the human resources manager called the claimant. The human resources manager did not approve the three days and talked to the claimant about taking two days off. The human resources manager thought the claimant should drive to Illinois twice rather than take three days bereavement leave. She questioned why the claimant needed to take June 20 and 21, 2018, when the funeral was on Friday, June 22, 2018. The claimant told the human resources manager she actually needed four days but was willing to take three. The claimant said she needed confirmation of the approval for the three days bereavement leave by 10:30 a.m. or she would be leaving work. The human resources manager promised the claimant she would call but did not. The claimant told her assignment

she was leaving at 11:07 a.m. on June 18, 2018. She left because the employer would not authorize her three-day bereavement leave.

The claimant filed for unemployment insurance benefits with an effective date of June 24, 2018. The employer participated personally at the fact finding interview on July 11, 2018, by Michelle Moorhead.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work. In the absence of agreement to the contrary, an employer's failure to pay wages when due constitutes good cause for leaving the employment. *Deshler Broom Factory v. Kinney*, 140 Nebraska 889, 2 N.W.2d 332 (1942).

Benefits are akin to wages and so when an employee quits work because the employer refuses to provide benefits, without an agreement to the contrary, her leaving is with good cause attributable to the employer. The claimant left work because the employer agreed to provide three days of bereavement leave as a benefit. On June 18, 2018, the human resources manager would not confirm the claimant's three days of bereavement leave and there was no agreement to the contrary. Her leaving was with good cause attributable to the employer. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's July 12, 2018, decision (reference 01) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs