

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURIE L WILFONG
Claimant

APPEAL NO. 12A-UI-03714-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAMILY DOLLAR STORES OF IOWA INC
Employer

OC: 03/04/12
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Laurie Wilfong, filed an appeal from a decision dated April 4, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 25, 2012. The claimant participated on her own behalf and with Linda Gunzenhauser. The employer, Family Dollar, participated by Store Manager Roxanne Porker.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Laurie Wilfong was employed by Family Dollar from April 17, 2003 until March 9, 2012 as a full-time service assistant. In the past, under a different store manager, she had frequently called in on the day she was scheduled to work to request a day of vacation for personal business. Her sister is ill and living in another city, and Ms. Wilfong would travel there to assist her in various ways. The previous manager gave permission to take vacation at the last minute although the company policy appears to require the request for vacation to be made before the weekly schedule is posted.

Roxanne Porker had been the new store manager for a few weeks when Ms. Wilfong called in absent due to illness on March 7, 2012. The next two days she called in absent stating she had “personal business.” She did not request vacation and did not state the nature of the “personal business.”

On March 9, 2012, Ms. Porker told Ms. Wilfong she had consulted with the regional manager, Zeb Broomgarden, and he said Family Dollar does not have “personal days.” Ms. Porker relayed the district manager’s orders that the claimant must come in that day or provide a doctor’s note excusing her from work, or else she would be considered a voluntary quit. The claimant was given the option to discuss the matter directly with the district manager, which she did. Mr. Broomgarden said if she took the day off, she should call him by the end of the day and

indicate whether she was willing to come in on Saturday to make up the hours. She did not call by the end of the day.

REASONING AND CONCLUSIONS OF LAW:

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 had been advised of the consequences of her failure to work her scheduled shift for "personal reasons." She acknowledged she did not ask to use her vacation time for either of those days because both Ms. Porker and Mr. Broomgarden were "hard to talk to." At no time did she mention that her sister was ill. The administrative law judge suspects the claimant knew very well it was against company policy to take vacation without prior notice and that that was the real reason she did not make the request to either Mr. Broomgarden or Ms. Porker.

It is also highly suspect that no mention was made of the claimant's sister being ill. Ms. Wilfong actually was not out of town on March 8, 2012, but stated she was making arrangements to get a ride from someone because her own vehicle was not reliable. But, Ms. Wilfong was scheduled to begin work at 3:00 p.m. that day and could provide no explanation as to why she did not begin making these arrangements early in the day and still work that evening.

Ultimately, it was her decision to work or be considered a voluntary quit. There is no indication her sister's condition was an emergency or that she had no back up right in her own town. The claimant elected to forfeit her job. The reasons for her missing work are highly suspect when viewed on the whole and are not convincing. She quit work without good cause attributable to the employer to the employer and is disqualified from receiving benefits.

DECISION:

The representative's decision of April 4, 2012, reference 01, is affirmed. Laurie Wilfong is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw