

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

MELISSA JURGENSEN
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APAC CUSTOMER SERVICES OF IOWA
c/o TALX UCM SERVICES INC
PO BOX 283
ST LOUIS MO 63166 0283

Appeal Number: 05A-UI-11629-DWT
OC: 10/23/05 R: 04
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 Quit

STATEMENT OF THE CASE:

Melissa Jurgensen (claimant) appealed a representative's November 7, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of APAC Customer Services of Iowa LLC (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 1, 2005. The claimant participated in the hearing. Turkessa Hill and Paul Flemmer appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in March 2002. The claimant worked as a full-time customer service representative. On October 14, 2005, the employer gave the claimant her final written warning for attendance problems.

An unexpected family situation developed and the claimant was unable to work on October 21. The claimant did not notify the employer on October 21 she was unable to work. On October 22, the claimant talked to her supervisor and asked about a temporary leave of absence. The supervisor said she could not grant the claimant a leave of absence but told the claimant that if the claimant did not show up for work, she would not have a job.

On Monday, October 24, the claimant talked to a human resource employee who verified the employer was not granting any temporary leaves of absence. The claimant concluded that since she had not reported to work on October 21 and 22, she was discharged because she had not reported to work. The claimant did not ask the human resource employee the status of her employment. The claimant did not ask to talk to Flemmer who had worked with her before when she had attendance issues. The claimant did not report to work again. While it was not convenient for the claimant to report to work the week of October 24, she would have worked if she had understood she still had a job.

On Thursday, October 27, the claimant's supervisor called and asked why she had not reported to work that week. As of October 27 the employer no longer considered the claimant an employee because she had not reported to work or contacted the employer for three consecutive days.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a.

The evidence indicates the claimant incorrectly assumed the employer discharged her when she talked to her supervisor on October 22. Since Flemmer previously worked with the claimant when she had attendance issues, it would have been reasonable for the claimant to talk to him again about what she could do to keep her job, but she did not. While the claimant talked to a human resource representative about taking a temporary leave of absence, the claimant did not ask about her employment status on October 24 or report to work on October 24 or any day that week. These are all factors that demonstrate she quit her employment. The claimant quit because she had to take care of personal problems before she was able to return to work. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The claimant established compelling personal reasons for quitting. These reasons do not qualify the claimant to receive unemployment insurance benefits. As of October 23, 2005, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 7, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 23, 2005. 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.

dlw/s