

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TAMI A ULRICH
Claimant

CASEY'S MARKETING COMPANY
Employer

APPEAL NO. 20A-UI-01259-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/19/19
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 10, 2020, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 27, 2020. Claimant participated. Employer participated by Teresa Zuke. Employer's Exhibits 1-3 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 10, 2020. Claimant was issued a termination after she had three consecutive days of absences when she was not in contact with her employer.

Claimant began working for employer on January 8, 2020. Claimant worked no complete days while working for employer. Claimant became sick, but did not keep in timely contact with employer surrounding her illness. On January 11, 2020 claimant did not show for her 6:00 a.m. shift. Claimant was called by employer, and returned the call over an hour after she was supposed to be at work. Claimant did not call into work on January 12 or 13, 2020 to inform employer of her absences. Employer interpreted claimant to have voluntarily quit and terminated claimant on January 15 as a result of claimant's multiple no-call/no-show absences.

Claimant was hired to work part time for employer.

Claimant has other, full time wages in her base period.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the claimant shall be eligible to receive benefits even though she voluntarily quit this part time job by not being in contact with employer for three consecutive days as claimant had other full time wages for which claimant may receive benefits.

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.

Iowa Admin. Code r. 871-24.25(4) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

Iowa Admin. Code r. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on Form 655323, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1)g.

DECISION:

The decision of the representative dated February 10, 2020, reference 04, is reversed. Although claimant voluntarily quit this part-time employment, claimant has other base period wages for which claimant remains eligible. Unemployment insurance benefits are allowed provided claimant is otherwise eligible. Employer's account shall not be charged for benefits received by claimant.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn