

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA J KOLHOF
Claimant

APPEAL NO. 09A-UI-05167-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AMERISTAR CASINO
COUNCIL BLUFFS INC**
Employer

**Original Claim: 03/08/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Jessica J. Kolhof filed a timely appeal from an unemployment insurance decision dated March 27, 2009, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held April 29, 2009, with Ms. Kolhof participating. Team Relations Manager Emily Jones and Count Room Manager Michelle Mooberry participated for the employer, Ameristar Casino Council Bluffs.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jessica J. Kolhof was employed by Ameristar Casino Council Bluffs from September 27, 2005, until November 20, 2008. She worked full-time as a count room specialist. Ms. Kolhof did not report to work or contact the employer prior to the beginning of her shift on November 20, 2008. Later in the day, she called Count Room Manager Michelle Mooberry and asked if she should come in. Ms. Mooberry replied that she was on vacation and that Ms. Kolhof should contact Count Room Supervisor Travis Wilcox. Ms. Kolhof did not do so and did not report to work again.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with good cause attributable to the employer. She did not.

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 evidence establishes that Ms. Kolhof did not report to work on November 20, 2008, or thereafter. It appears that she did not return to work because she feared that she would be discharged for poor attendance. Be that as it may, further work would have been available to her had she reported on November 20, 2008. The administrative law judge concludes that the claimant abandoned her job. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated March 27, 2009, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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