

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANET A NITTLER**  
Claimant

**APPEAL NO. 13A-UI-11300-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROADLAWNS MEDICAL CENTER**  
Employer

**OC: 09/01/13  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Janet Nittler, filed an appeal from a decision dated September 27, 2012, reference 01. The decision allowed unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 31, 2013. The claimant participated on her own behalf. The employer, Broadlawns Medical Center (Broadlawns), participated by Vice President of Human Resources Julie Kilgore, Human Resources Representative Lindsay Fett, and Manager of Clinical Services Kristina Harlow.

**ISSUE:**

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

**FINDINGS OF FACT:**

Janet Nittler was employed by Broadlawns from May 29 until July 30, 2013 as a part-time certified medication aide. She was notified on July 16, 2013, by Manager of Clinical Services Kristina Harlow her orientation was being extended for two weeks because she was “not catching on” to the work. She was also asked if she was sure she wanted to continue with the job and said she wanted to “think about it.” The employer agreed.

Ms. Nittler worked on July 17 and 18, 2013, but was no-call/no-show to work after that date. On July 30, 2013, she came to the human resources office and returned her badge and keys to Human Resources Representative Lindsay Fett. Ms. Fett asked her if she was still working the claimant said “no.” The employer considered her a voluntary quit for being absent from work without notice for almost two weeks.

The claimant maintained she was fired because when she came to work on July 17 and 18, 2013, “everyone acted as though she did not work there anymore.” She assumed she had been discharged.

**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 quit coming to work because for reasons which she could not fully explain, she thought she had been discharged. Where an individual mistakenly believes that he is discharged and discontinues coming to work (but was never told he was discharged), the separation is a voluntary quit without good cause attributable to the employer. *LaGrange v. IDJS*, (Unpublished, Iowa App. 1984). The administrative law judge considers the reasoning in that case to be pertinent here.

But the claimant's employment was only part time. Under the provisions of 871 IAC 24.27, Ms. Nittler has sufficient other earnings in her base period to still be monetarily eligible.

**DECISION:**

The representative's decision of September 27, 2013, reference 01, is affirmed. Janet Nittler is eligible to receive unemployment benefits as she is still monetarily eligible after the removal of wages from Broadlawns. The account of Broadlawns will not be charged with benefits paid to the claimant.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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