

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA M BOHRN
Claimant

APPEAL NO. 07A-UI-06470-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**STEPPING STONES
EARLY LEARNING CENTER INC**
Employer

**OC: 05/27/07 R: 02
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 25, 2007, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 17, 2007. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Pam Mahoney participated in the hearing on behalf of the employer with a witness, Marilyn Clark. The claimant's letter offered in lieu of her testimony is admitted into evidence as Exhibit A. The employer submitted a full copy of an Employer's Statement of Earnings, including the signature line that was cut off on the copy the claimant submitted. It is admitted into evidence as Exhibit One.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked as a cook for the employer at its child care center in Knoxville, Iowa, from August 21, 2006, to May 23, 2007. Her supervisor was Pam Mahoney. The claimant was informed and understood that under the employer's work rules, employees were required to notify Mahoney at her home phone at least an hour before the start of their shift if they were not able to work as scheduled.

On May 17, and 18, 2007, the claimant was absent from work. She called the center to report her absences instead of calling Mahoney. She worked on May 21 through 23. On May 24 and 25, the claimant arranged for a substitute to work for her because she had some family issues. She called the center and left a message that she was going to be absent and had arranged a substitute instead of calling Mahoney. Mahoney tried calling the claimant, but the claimant's cell phone was disconnected.

The claimant was scheduled to work at 7:00 a.m. on May 29. Again, the claimant arranged for a substitute and left a message at 7:53 a.m. on May 29 on the work phone stating that she was

not going to be at work. The same thing happened on May 30. Mahoney found an alternative cell phone number for the claimant and left a message on May 30 for the claimant to call Mahoney. She left a message for the claimant stating that she should get her family issue resolved and call Mahoney by 5:00 p.m. on June 1 to let her know if she was going to be at work on June 4. This was the last communication between the parties. The claimant never called Mahoney by 5:00 p.m. on June 1 and afterward regarding whether she was going to return to work. She did not report to work on June 4 or afterward.

The claimant voluntarily quit employment by failing to report to work or contact the employer after May 30. The employer did not lay off the claimant. The claimant submitted a statement for the Department of Human Services supposedly completed by the employer's administrative assistant, Marilyn Clark. The statement in fact was not completed or signed by Ms. Clark or anyone with the employer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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 voluntarily quit employment without good cause attributable to the employer. The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the proper standard and burden of proof. The claimant's written statement is not reliable and was rebutted by the employer's testimony from firsthand witnesses, Mahoney and Clark.

DECISION:

The unemployment insurance decision dated June 25, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw