

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA M HAGEMAN

Claimant

APPEAL NO: 12A-UI-07445-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF DES MOINES

Employer

OC: 05/20/12

Claimant: Appellant (1)

Iowa Code 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 20, 2012 determination (reference 04) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant did not respond to the hearing notice and did not participate in the hearing. Tammy Willets, a staffing specialist, appeared on the employer's behalf.

The claimant called the Appeals Section at 1:50 pm. for a hearing scheduled at 11:30 a.m. The claimant requested the hearing be reopened. Based on claimant's request to reopen the hearing, the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUES:

Is there good cause to reopen the hearing?

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The employer is a temporary staffing agency who assigns employees only to Bunn-O-Matic. Typically, a person works about a year for the employer at Bunn-O-Matic and then Bunn-O-Matic hires the person as a full-time employee. As a result of the poor economy, Bunn-O-Matic took longer to hire temporary employees as full-time employees after the claimant started working.

The claimant registered to work at Bunn-O-Matic on February 15, 2011. She was assigned to work at Bunn-O-Matic that same day. The claimant worked on the plant floor as a light industrial worker.

On May 11, 2012, the claimant left work early because she did not feel well. Neither the employer nor Bunn-O-Matic heard from the claimant again and she did not report back to work. The employer is located at Bunn-O-Matic. The employer tried to contact the claimant after

May 11 but was not successful. When the claimant did not call or report to work for two consecutive days, the employer no longer considered her an employee. The employer had continued employment for the claimant if she had returned to work.

A hearing notice was mailed to the claimant and employer on June 28. The hearing notice informed the parties a telephone hearing was scheduled on July 16 at 11:30 a.m. The hearing notice stated, "Immediately call when you receive this notice to participate in a telephone hearing. The judge will not call you on the day of the hearing if you have not called the Appeals Bureau in Des Moines, IA, as instructed."

The claimant received the hearing notice shortly after it was mailed. She asserted that she did not understand the hearing notice instructions. The claimant did not follow the hearing instructions after her parents told her she did not have to call in. The claimant did not call before the scheduled hearing and was not called for the hearing. She did not call the Appeals Section until 1:50 p.m. for the 11:30 a.m. hearing. Before the claimant could explain why she waited until almost 2 p.m. to call to participate in the hearing, her cell phone dropped the call. The administrative law judge tried to call her again, but could not contact her. The claimant did not call the Appeals Section again.

REASONING AND CONCLUSIONS OF LAW:

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

The claimant received the hearing before the scheduled hearing. She failed to follow the hearing notice instructions. If she did not understand the instructions, she could have called the 800 number on the notice to contact the Appeals Section, but did not. The claimant's failure to read and follow the hearing instructions in addition to failing to contact the Appeals Section within reasonable time to participate in the hearing are all factors that establish the claimant did not establish good cause to reopen the hearing. The claimant's request to reopen the hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). Based on the evidence presented by Willets, the claimant voluntarily quit her employment by abandoning her employment after May 11. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits.

The claimant may have had personal reasons for failing to notify the employer or report back to work, but the facts do not establish that she quit for reasons that qualify her to receive benefits. As of May 20, 2012, the claimant is not qualified to receive benefits.

DECISION:

The claimant's request to reopen the hearing is denied. The representative's June 20, 2012 determination (reference 04) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 20, 2012. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs