

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HERLINDA O CORONA
Claimant

APPEAL NO. 110-UI-06777-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEROES INC
Employer

**OC: 01/30/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 9, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 21, 2011. The claimant participated in the hearing. Richard Dewees participated in the hearing on behalf of the employer with a witness, Mark Cruz.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full-time as a cook for employer from September 2009 to December 4, 2010. The claimant asked her supervisor, Mark Cruz, for time off to go to Mexico because her mother was going to have surgery. Cruz told her that he doubted the employer would grant her the time off, because she had already taken time off earlier in the year to go to Mexico, but she would need to submit a written request for time off as she had done in the past. She did not complete a written request for time off. When the employer had not heard from the claimant by December 21, it hired someone to replace her.

The claimant went to Mexico to be with her mother. After her mother recovered, the claimant returned to Marshalltown around January 17, 2011. She may have called the employer's phone number, but she never spoke to a manager to offer to return to work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The law states that a claimant is qualified for benefits if: (1) the claimant left to care for a family member who was injured or ill, and (2) the claimant immediately returned and offered to return to work, but (3) no work was available. Iowa Code § 96.5-1-c.

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 admitted she had never talked to a member of management and offered to return to work. I do not believe that she reported to the plant and was turned away at the guard shack as she testified. Since she has never offered to return to work, she is disqualified for voluntarily quitting employment without good cause attributable to the employer

DECISION:

The unemployment insurance decision dated March 9, 2011, 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