

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARITY J CHAPMAN**  
Claimant

**APPEAL NO. 08A-UI-10004-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**METAL WORKS INC**  
Employer

**OC: 08/24/08 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 26.8(5) – Decision on the Record

**STATEMENT OF THE CASE:**

Charity Chapman filed an appeal from representative's decision dated October 22, 2008, reference 01, which denied benefits based upon her separation from Metal Works Inc. After due notice was issued, a hearing was held by telephone on November 13, 2008. The claimant participated personally but voluntarily disconnected during the hearing. The employer participated by Bruce Nystrom, President; Terry Roberts, Production Manager; Susan Klanken, Accounting Payroll Department; and Angie York, Office Supervisor.

**ISSUE:**

At issue in this matter is whether the decision previously entered should be affirmed.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: That the parties were properly notified of scheduled hearing on this appeal. Although the appellant provided a telephone number and initially participated in the hearing, Ms. Chapman voluntarily disconnected during the hearing and did not provide testimony. A return call was placed to the telephone number provided by the claimant and a message left for Ms. Chapman, however, the claimant did not respond nor attempt to rejoin the hearing.

The administrative law judge has conducted a careful review of the administrative file and the testimony of the employer's witnesses to determine whether the unemployment insurance decision should be affirmed.

Ms. Chapman was separated from her employment after receiving a warning and a three-day suspension for repeated tardiness and failure to report or to provide required notification to the employer. Although the claimant was informed that she was expected to return to work after the three-day suspension, Ms. Chapman did not do so and provided no further notification to the employer. Based upon the claimant's previous failure to report or to provide notification and her most recent absences from work without permission or providing notification to the employer,

the employer reasonably concluded that the claimant was relinquishing her position with the company. Ms. Chapman was notified that her employment with the company had ended.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 26.8(3), (4) and (5) provide:

Withdrawals and postponements.

(3) If, due to emergency or other good cause, a party, having received due notice, is unable to attend a hearing or request postponement within the prescribed time, the presiding officer may, if no decision has been issued, reopen the record and, with notice to all parties, schedule another hearing. If a decision has been issued, the decision may be vacated upon the presiding officer's own motion or at the request of a party within 15 days after the mailing date of the decision and in the absence of an appeal to the employment appeal board of the department of inspections and appeals. If a decision is vacated, notice shall be given to all parties of a new hearing to be held and decided by another presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision.

(4) A request to reopen a record or vacate a decision may be heard ex parte by the presiding officer. The granting or denial of such a request may be used as a grounds for appeal to the employment appeal board of the department of inspections and appeals upon the issuance of the presiding officer's final decision in the case.

(5) If good cause for postponement or reopening has not been shown, the presiding officer shall make a decision based upon whatever evidence is properly in the record.

The administrative law judge has carefully reviewed the evidence in the record and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed. The claimant chose to voluntarily quit employment after being reprimanded. Work continued to be available to the claimant at the time she chose to leave employment. The employer's reprimand was reasonable and work related. The claimant has failed to provide any evidence establishing that she left work for good cause attributable to the employer.

871 IAC 24.25(28) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(28) The claimant left after being reprimanded.

**DECISION:**

The unemployment insurance decision dated October 22, 2008, reference 01, is affirmed. The decision disqualifying the claimant from receiving benefits remains in effect. This decision will become final unless an appeal is filed with the Employment Appeal Board within 15 days of the date of this decision.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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