

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SHARON M JAMISON
1105 ZINKULA RD
MOUNT VERNON IA 52314

OWENS BROCKWAY PLASTIC PRODUCTS
c/o TALX UCM SERVICES INC
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-09087-DWT
OC: 07/25/04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sharon M. Jamison (claimant) appealed a representative's August 13, 2004 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Owens Brockway Plastic Products (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 16, 2004. The claimant participated in the hearing. Tammy Marlow, a quality assurance manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in September 2003. The claimant worked full time in the quality assurance department.

On May 4, 2004, the claimant's husband, who also works for the employer, learned his doctor scheduled an unexpected operation for him on Friday, May 7. After her husband returned from the doctor's office, the claimant's husband told her she needed to ask the employer for time off on Friday.

The claimant met with Marlow, her supervisor, and Ken Potts on Tuesday. She asked permission to take Friday off from work. Initially, the employer denied the claimant time off on Friday. After the claimant talked to the employer, the employer finally agreed she could take time off Friday to be with her husband at the hospital. When Potts asked the claimant how long she would need time off, the claimant indicated she did not really know but thought she could maybe be back on Monday. The employer told the claimant she had to report to work on Monday because the employer would then decide how much time off she would be granted. The claimant understood that regardless of how her husband was doing, the employer required her to work on Monday. The employer, however, intended to discuss on Monday her husband's condition and then make a decision as to how much time she would need off to take care of him. When the claimant left the meeting and went to her desk, she was upset and decided the employer threatened to discharge her during the meeting. The claimant knew she would be taking care of her husband and decided to quit that day instead of going through another meeting with the employer. On March 4, the claimant left work early and left her keys at the secretary's desk. The claimant did not return to work. The claimant took care of her husband after he was released from the hospital on May 11 and could have returned to work on May 14.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant voluntarily quit her employment on May 4 when she left work early, left her keys on the secretary's desk and did not return to work. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The claimant was understandably upset when the employer initially denied her time off to be at the hospital when her husband had surgery on May 7. The employer gave the claimant little understanding after she received the unexpected news that her husband had to undergo surgery in three days. Unfortunately, the claimant incorrectly assumed the employer threatened to discharge her if she did not report to work on Monday and would not give her anymore time off. Instead, of continuing to talk to the employer before the May 7 operation and when she was not upset, the claimant quit on May 4. The claimant established personal reasons for quitting. Her reasons do not, however, qualify her to receive unemployment insurance benefits. Therefore, as of July 25, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 13, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 25, 2004. 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.

dlw/tjc