

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**AUBREANA L MAZILAUSKAS**  
Claimant

**DOLLAR TREE STORES INC**  
Employer

**APPEAL 14A-UI-12354-H2T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/18/14**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 19, 2014 (reference 07) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 18, 2014. Claimant participated. Employer participated through Brad Kline, Store Manager.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a cashier beginning in November 2013 through May 17, 2014 when she voluntarily quit. The claimant worked another job at the same time she worked for Dollar Tree. After the busy tax season at her other job ended she asked Mr. Kline to put her back on the work schedule. Mr. Kline put her back on the schedule including April 17, 19, 25, May 9, 10, 12 and 17. The claimant worked on April 17. At that time the work schedule was posted for at least April 19 and 25. The claimant was a no-call/no-show for April 19 and 25. She was also scheduled to work on May 9, 10, 12 and 17. For each of those days she was a no-call/no-show for work. The claimant simply had to go into the store to obtain her work schedule but did not do so. It was not Mr. Kline's obligation or responsibility to call her and tell her when she was to work. The claimant's testimony is not as credible as that of Mr. Kline.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The November 19, 2014 (reference 07) decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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