

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAREN M PLACE
Claimant

UNIVERSAL PROTECTION SERVICE LLC
Employer

APPEAL NO. 18A-UI-07413-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/17/18
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 9, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 27, 2018. Claimant participated. Employer participated by Ron Tardiff.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 15, 2018. Claimant was called out of town for a relative's illness after that shift at work.

Claimant stated that she contacted the second shift manager to report that she would be out of town for her relative's hospitalization. Claimant gave no timeframe for her return. Employer stated that claimant did not contact before leaving and employer had no idea where claimant was and why she hadn't shown for work. Both parties agreed that claimant was texted by employer on June 18, 2018 asking claimant's whereabouts. Employer stated that claimant responded to the text saying that she had ongoing family problems and wasn't going to return to work. Employer further stated that claimant replied in the text that she was just going to turn in her officer's uniform. Claimant denied stating that she was quitting and denied stating that she would hand in her uniform.

Claimant stated that upon her return to town on June 21, 2018 she received a text from a coworker telling claimant that she'd been terminated. The coworker was not in a managerial position. Claimant never attempted to contact anyone in management to ask why she'd been terminated or ask if she could have her job back. Instead, claimant filed for unemployment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she didn't know when she would return from visiting her ill relative.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *State v. Holtz*, Id. In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *State v. Holtz*, Id.

In this matter, claimant's testimony regarding hearing that she was told of termination through a coworker and then never explored this further is not credible. Claimant admitted being in contact with employer through text while away. If she'd found out that she'd been terminated, and was wondering why when she'd been in contact with employer on June 18, claimant could certainly have reached out to a manager. Instead, claimant chose to file for unemployment. This indicates employer's version of the story to be correct. Claimant voluntarily quit her employment, and as her quit was not with good cause attributable to employer, claimant is not eligible for the receipt of unemployment benefits at this time.

DECISION:

The decision of the representative dated July 9, 2018, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs