

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BELSIHA KANTAREVIC
Claimant

APPEAL NO. 10A-UI-02524-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 01/17/10
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 10, 2010, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 5, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Daniel Spier participated in the hearing on behalf of the employer with a witness, Less Bruner.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked for the employer as a cashier from February 4, 2006, to November 24, 2010. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer two hours before the start of their shift if they were not able to work as scheduled.

The claimant was schedule to work on November 25, 2009. On that day, she did not report to work because her aunt was in a car accident and she was in the car behind her aunt's car when it happened. Her aunt was hospitalized as a result the accident, and the claimant went to the hospital to be with her aunt. The claimant called her mother, who also worked for the employer, and asked her to let the employer know that she was not coming into work that day and why. When the claimant's mother talked to the employer's human resources manager and explained what had happened, he told her that if the claimant was not involved in the accident, she was expected to be at work or else. The claimant unreasonably believed this meant she was discharged.

The claimant was next scheduled to work on December 1, 2, 3, and 6. She did not report to work or call in to notify the employer that she would not be at work because she thought she had been discharged for missing work on November 25. She would not have been discharged for her absence on November 25.

The claimant ended up calling the employer in January 2010 to see if the employer would hire her back, but was not rehired because of how her employment ended.

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 section 96.5-1 and 96.5-2-a. The claimant's belief that she had been discharged when the human resources manager said she was "expected to be at work or else" was totally unreasonable. The obvious question that the claimant did not contact the employer to find out was what "or else" meant? The bottom line is the claimant would not have lost her job for missing work on November 25. The employer reasonably believed the claimant had quit her job when she failed to report to work on December 1, 2, 3, and 6.

The claimant did not have good cause to quit her employment and is disqualified from receiving benefits.

DECISION:

The unemployment insurance decision dated February 10, 2010, 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/pjs