

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

LEILANI WALKER  
1404 E WALNUT #106  
DES MOINES IA 50316

WALGREEN COMPANY  
C/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-12465-CT  
OC: 09/26/04 R: 02  
Claimant: Respondent (2)

**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, 4<sup>th</sup> 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 is 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Walgreen Company filed an appeal from a representative's decision dated November 2, 2004, reference 01, which held that no disqualification would be imposed regarding Leilani Walker's separation from employment. After due notice was issued, a hearing was held by telephone on December 13, 2004. The employer participated by Steve Kadlac, Manager. Ms. Walker did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Walker began working for Walgreen Company in November 2000 and last worked on September 24, 2004. She was last employed full time as head photo clerk. On September 25, a cashier notified management that Ms. Walker's husband had called and indicated that he did not want to awaken his wife as she had been up all night with their child. Presumably, he was calling to report her intended absence. Ms. Walker did not thereafter return to work or notify the employer of her intentions. Continued work would have been available if she had continued reporting for work. She had not complained about any work-related matters prior to the separation.

Ms. Walker has received a total of \$2,277.00 in job insurance benefits since filing her claim effective September 26, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Walker was separated from employment for any disqualifying reason. The administrative law judge concludes that she voluntarily quit when she abandoned her job. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Walker had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code section 96.6(2). She did not participate in the hearing to explain why she discontinued reporting for work. The evidence of record does not establish any cause attributable to the employer for quitting. It is concluded, therefore, that the separation was a disqualifying event. Accordingly, benefits are denied.

Ms. Walker has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated November 2, 2004, reference 01, is hereby reversed. Ms. Walker voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Walker has been overpaid \$2,277.00 in job insurance benefits.

cfc/b