

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MOLLY J CORY-RHINER
Claimant

APPEAL NO. 09A-UI-05694-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CENTRAL IOWA HOSPITAL CORP
Employer

**Original Claim: 03/01/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated March 24, 2009, reference 01, which denied benefits based upon her separation from Central Iowa Hospital Corporation. After due notice was issued, a hearing was held via telephone on May 7, 2009. The claimant participated personally. The employer participated by Barb Owca, human resources.

ISSUES:

At issue in this matter is whether the claimant has established good cause for filing a late appeal and whether the claimant quit employment for reasons attributable to the employer by failing to report or provide notification for three or more consecutive workdays.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all the evidence in the record, finds: The claimant was employed as a part-time patient registration worker from May 30, 2007, until May 17, 2008, when she voluntarily quit employment by failing to report or provide notification for three or more consecutive workdays.

The claimant had experienced car problems in route to work and had notified a new supervisor. Ms. Cory-Rhiner believed that the new supervisor had acted inappropriately by urging her to report for work and by raising his voice. Subsequently, Ms. Cory-Rhiner complained about the supervisor's conduct and indicated that she would quit her job if the supervisor did not "apologize." The employer investigated but could not establish that the new supervisor had acted inappropriately. Ms. Cory-Rhiner discontinued reporting for work. After the claimant had failed to report or provide any notification of her impending absences for three or more consecutive work shifts, the claimant was sent a letter informing her that her employment with the organization had ended.

The claimant's appeal was received beyond the ten-day statutory time limit due to the hospitalization of her children and the inability of the claimant to receive the notice of representative's decision before the ten-day statutory time limit had elapsed.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes, based upon the evidence in the record, that the claimant has established good cause for filing her appeal beyond the ten-day statutory time limit. The claimant did not receive the fact-finder's decision until after its due date, because her children were hospitalized and she was not available to receive the representative's decision because of the requirement that she remain with her children while they were hospitalized.

The evidence in the record establishes that the claimant was dissatisfied because she thought she had not been treated properly by a new supervisor. The evidence in the record further establishes that the employer had investigated and could not establish that the supervisor had acted inappropriately or that an official apology should be given to the claimant. The claimant had experienced difficulty in traveling to work and it appears that the new supervisor was anxious that the shift be filled. The evidence in the record does not establish that the supervisor acted in such a manner so as to provide the claimant with good cause for quitting her employment. While the supervisor could have been more diplomatic, an isolated instance of attempting to urge the claimant to report for work does not rise to a level of creating an intolerable workplace. Ms. Cory-Rhiner made a personal decision not to return to available work after she had failed to report for three or more consecutive work shifts without providing any notification to the employer. She was discharged under an established company policy that provides that employees who do not report or provide notification for three or more days are considered to have quit their job. The claimant was aware of the policy.

871 IAC 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.

For the reasons stated herein, the administrative law judge concludes that the claimant voluntarily quit employment under disqualifying conditions. The claimant is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

DECISION:

The representative's decision dated March 24, 2009, reference 01, is affirmed. The claimant voluntarily quit employment under disqualifying conditions. Unemployment insurance benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw