

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEITH C CLARK

Claimant

APPEAL NO: 10A-UI-04703-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP

Employer

OC: 02/21/10

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's March 18, 2010 decision (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant had been discharged for disqualifying reasons. A telephone hearing was held on May 6, 2010. The claimant participated in the hearing. Marjorie Bell, the site supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefit, or did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on July 26, 2002. The claimant worked as a full-time security officer. The claimant gave the employer a two-week notice that he was resigning as of September 18, 2009, because he had another job in Florida. The claimant's Florida job did not materialize.

When the claimant returned from Florida, he asked Bell, his supervisor, if he could return to work. The employer allowed the claimant to return to work. The claimant worked as scheduled on September 28.

The claimant was scheduled to work on September 29, 30, and October 1 and 2. The claimant notified the employer on September 29 that he did not feel well and was going to the hospital. The claimant was admitted into the hospital and was not released until September 30 around 7:30 p.m. When the claimant did not report to work on September 30 by 4:00 p.m., Bell started calling him to find out if there was something wrong. She called his cell phone, his landlord and his brother. Bell tried to contact the claimant on Thursday and Friday.

After the claimant was released from the hospital on Wednesday, he noticed Bell had tried to contact him. The claimant understood that because he had not reported to work or contacted her, he no longer had a job as of Wednesday. The claimant was upset with Bell. As a result of being upset and angry, he did not contact her to let her know he had just been released from the hospital.

The claimant did not return his keys and uniforms until the following Thursday. The claimant did not talk to Bell or anyone in management after September 29, when he called in sick.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code section 96.5-1, 2-a. The claimant's failure to contact the employer immediately after he was released from the hospital or personally explain to Bell on Thursday, October 1 why he had not reported to work on Wednesday, September 30, amounts to voluntarily quitting his employment. When a claimant quits, he has the burden to establish quit for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

Even if the claimant was upset by Bell's message she left him on September 30, he failed to take reasonable and responsible steps to maintain his employment. Instead, the claimant did not go to the work until the following Thursday, October 8. Even then he did not talk to Bell or anyone in management. The claimant may have compelling reasons for quitting, but he quit for reasons that do not qualify him to receive benefits. As of October 2, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 18, 2010 decision (reference 01) is affirmed. After the employer rehired the claimant, the claimant voluntarily quit his employment by abandoning it after October 2, 2009. The claimant is disqualified from receiving unemployment insurance benefits as of October 2, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs