

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GABRIELLE D CATON

Claimant

APPEAL NO. 11A-UI-11754-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KASTIM CORPORATION

MCDONALD'S OF FORT DODGE \$17678

Employer

OC: 07/24/11

Claimant: Appellant (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Gabrielle Caton, filed an appeal from a decision dated September 7, 2011, reference 04. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 29, 2011. The claimant participated on her own behalf. The employer, McDonald's, participated by Supervisor Sue McEnroe.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Gabrielle Caton was employed by McDonald's from July 21, 2010 until May 1, 2011 as a part-time crew member. Her last day of work was Friday, April 22, 2011, and she was not on the schedule again until Friday, April 29, 2011. On April 28, 2011, she called and talked to Samantha, the manager on duty, and said she was in Oklahoma. Her car had broken down and she also did not have gas to get home. Therefore, she would not be able to work April 29 and 30, 2011. She said she would contact the general manager when she got back in order to be put back on the schedule.

Acting General Manager Sue McEnroe removed Ms. Caton from the schedule on Monday, May 1, 2011, considering her a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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 employer maintains the claimant quit because she did not call to be put back on the schedule by Monday, May 1, 2011. Ms. Caton had said she would call when she got back into town and had not returned by that date. She did call in one day in advance to notify the employer she was not able to work the two days she was on the schedule, but that does not constitute a voluntary quit.

The record establishes the claimant did not quit and is eligible for benefits.

DECISION:

The representative's decision of September 7, 2011, reference 04, is reversed. Gabrielle Caton is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw