

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

CAROL L CLEVELAND  
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WINNEBAGO TRIBE OF NEBRASKA  
WINNAVEGAS  
C/O COMPTROLLER  
1500 – 330<sup>TH</sup> ST  
SLOAN IA 51055-0913

Appeal Number: 05A-UI-12033-DWT  
OC: 10/16/05 R: 01  
Claimant: Appellant (5)

**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

STATEMENT OF THE CASE:

Carol L. Cleveland (claimant) appealed a representative's November 18, 2005 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Winnebago Tribe of Nebraska (employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 13, 2005. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's representative/witness could be contacted to participate in the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, 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 her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in September 1999. The claimant worked full-time as a bingo caller, cashier and floor clerk. Tanya Baker was the claimant's supervisor.

After new management took over, the claimant became frustrated with work. The claimant complained about co-workers, but the claimant did not believe her co-workers received any warnings for doing work incorrectly. The claimant also became frustrated because Baker gave her a number of warnings all at once instead of at the time of the alleged infraction. In early August 2005, the employer gave the claimant a number of warnings and told the claimant that if there were any more attendance problems, the employer would discharge her.

On August 24, 2005, the claimant rode to work with her supervisor. The claimant did not have transportation and had to make arrangements with others to get to work. Baker told the claimant she would not receive a warning for reporting to work late on August 24 because she had been with Baker. The claimant believed she should have received a written warning for being late for work.

On August 25, the claimant did not have a ride to work and she did not make arrangements to get to work because she was frustrated with work and the people she worked with. The claimant decided she would not return to work. The claimant did not contact the employer, she just did not return to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The evidence indicates the claimant voluntarily quit her employment by abandoning it after August 24, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits without good cause when she quits because she does not have transportation to get to work. 871 IAC 24.25 (1). The evidence indicates the claimant knew her job was in jeopardy because of attendance problems. The claimant may have been frustrated with her co-workers, but the evidence shows she also had problems making arrangements with other people to get to work because she did not have transportation. The claimant established personal reasons for abandoning her job. These reasons do not qualify her to receive unemployment insurance benefits. As of October 16, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's November 18, 2005 decision (reference 02) is modified with no legal consequence. The claimant voluntarily quit her employment by abandoning it. The claimant quit for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 16, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

dlw/pjs