

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER M GULBRANSON
Claimant

APPEAL NO. 10A-UI-09697-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

OC: 05/30/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated June 28, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 26, 2010. Claimant participated. Employer participated by John O'Fallon, Barnett Hearing Representative with witnesses Michael Miklus, Supervisor and Tracey Dare, Resource Specialist. Exhibits A through K were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 14, 2010. Claimant was on a final warning for absenteeism. Claimant thought that one more missed day would result in discharge. Claimant had called in each day until May 20, 2010 when she stopped calling in because claimant thought she was terminated from employment. Claimant did not ask the employer if she was let go. Claimant assumed she was let go because of the prior warnings. No employer representative told claimant that she was discharged from employment. Employer called claimant by telephone May 17, 2010 through May 24, 2010 at least five times to no avail. Claimant did not call in or return to the employer's premises until May 29, 2010.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she thought she was discharged. This is a quit without good cause attributable to employer. Claimant had no reason to assume she was discharged until she spoke to an employer representative that told her such. This is not good cause attributable to employer for a quit as claimant was the one that decided to stop calling in. Benefits withheld.

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.

DECISION:

The decision of the representative dated June 28, 2010, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css