

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANAE A DEBROWER
Claimant

APPEAL NO: 06A-UI-09086-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAZOLI'S RESTAURANTS INC
Employer

OC: 08/06/06 R: 02
Claimant: Respondent (2)

Section – 96.5(1) – Voluntary Quit
Section – 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Fazoli's Restaurants, Inc. filed an appeal from a representative's decision dated September 6, 2006, reference 05, which held that no disqualification would be imposed regarding Ranae Debrower's separation from employment. After due notice was issued, a hearing was held by telephone on September 26, 2006. The employer participated by Chris Rindels, General Manager, and Saeed Karimi, Area Supervisor. Ms. Debrower did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Debrower was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Debrower began working for Fazoli's on January 17, 2006. She worked from 20 to 25 hours each week as an associate. On August 9, Ms. Debrower advised her manager that she would need to take some time off because she was having difficulty finding childcare. She agreed she would work August 10 and 11 and would then need to have time off. The manager indicated she could have time off and that they would work out the details on August 10 or 11. Ms. Debrower did not return to work or contact the employer at any point after August 9. She had not brought any work-related problems to the manager's attention prior to August 9.

Prior to August 9, Ms. Debrower had spoken with the area supervisor concerning problems she was having working her schedule because of a recent move and because of childcare issues. The area supervisor agreed to meet with Ms. Debrower and her manager to work out a plan to accommodate her needs. Ms. Debrower did not appear for the scheduled meeting on July 25. The employer was agreeable to accommodating Ms. Debrower because she was a good employee. Continued work would have been available for her had she continued reporting for work after August 9.

Ms. Debrower filed a claim for job insurance benefits effective August 6, 2006. She has received a total of \$327.00 since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Ms. Debrower abandoned her job when she stopped reporting for work with no notice to the employer. The employer expected her to be taking some time off but only after August 11. Ms. Debrower did not work on August 10 and 11 as agreed and then never contacted the employer again. For the above reasons, her separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Debrower did not participate in the hearing to explain why she stopped reporting for work. If she had any work-related problems, she had the opportunity to address them during the meeting that was to be held on July 25 with her manager and his superior, the area supervisor. However, she did not avail herself of that opportunity. The evidence of record does not establish any good cause attributable to the employer for Ms. Debrower's quit. She notified the employer that she was having difficulty finding child care. An individual who leaves employment because of childcare issues is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(17). For the above reasons, benefits are denied.

Ms. Debrower has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated September 6, 2006, reference 05, is hereby reversed. Ms. Debrower voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Debrower has been overpaid \$327.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs