

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PHYLLIS NELSON**

Claimant

**APPEAL NO. 07A-UI-07797-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE CENTRE LODGING**

Employer

**OC: 07/08/07 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Phyllis Nelson (claimant) appealed an unemployment insurance decision dated August 1, 2007, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with the Centre Lodging, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 29, 2007. The claimant participated in the hearing. The employer participated through owner Henry Byl. Employer's Exhibits One and Two and Claimant's Exhibits A, B and C were admitted into evidence. 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:**

The issue is whether the claimant's voluntary separation qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time employee in the housekeeping department from October 4, 2006 through July 19, 2007 when she was considered to have voluntarily quit. The claimant wanted to work four days per week and the employer tried to accommodate that request. The employer was having a hard time getting backup employees when an employee was absent so they decided to schedule more employees than needed. If additional employees were needed, they were already scheduled and if the employer had too many employees, some were 'called off' and did not have to report to work. The employer's business demands were high in July 2007 so the schedule was prepared using additional employees. The claimant was scheduled for additional workdays during the first three weeks of July 2007 and she became upset even though the schedule was explained to her. In response to her complaints, the employer created a new July 2007 schedule and the claimant then became upset because she did not have enough days. The schedule was not changed a second time. The claimant was called off work several times, as were all the other employees, but she felt like the employer was trying to force her out. She

decided to quit but did not inform the employer of that fact. The claimant was scheduled to work on July 13, 17 and 19 but was a no-call/no-show for each shift and was considered to have abandoned her job.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by failing to report or contact her employer for three workdays. The law presumes it is a quit without good cause attributable to the employer when an employee is absent for three days without notice and in violation of company policy. See 871 IAC 24.25(4).

The claimant contends she quit because of intimidation but provided no such evidence. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). The claimant appears to be overly sensitive to gossip as the employer never said anything to her that was inappropriate. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

#### **DECISION:**

The unemployment insurance decision dated August 1, 2007, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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