

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TYRAE M SCHROEDER**

Claimant

**APPEAL NO. 10A-UI-07130-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROADLAWNS MEDICAL CENTER**

Employer

**OC: 04/11/10**

**Claimant: Respondent (2-R)**

Section 96.5(2)a – Discharge of misconduct  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Broadlawns Medical Center (BMC) filed an appeal from a representative's decision dated May 7, 2010, reference 01, which held that no disqualification would be imposed regarding Tyrae Schroeder's separation from employment. After due notice was issued, a hearing was held by telephone on July 14, 2010. The employer participated by Jean Furler, Human Resources Coordinator, and Betty Jones, Director of Medical Surgical Pediatrics. Ms. Schroeder did not respond to the notice of hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Schroeder began working for BMC on August 3, 2009 as a full-time healthcare technician. Her last day of work was April 9, 2010. She was next scheduled to work on April 12 but called to report that she would be absent due to illness. She called before the start of her shift on April 13 to ask if she would be fired if she was absent that day. The supervisor suggested that she try to find someone to trade shifts with so that the absence would not count against her. Ms. Schroeder did not report for work, arrange a trade with someone else, or notify the employer of her intentions.

Ms. Schroeder did not report for work or call in on April 14 and 15. The employer attempted to reach her by phone on April 14 but she did not respond to messages. Her phone was disconnected when an attempt was made to contact her on April 15. The employer did not hear further from her after the call of April 13. During the course of her employment, Ms. Schroeder had seven absences she stated were due to illness. She had eight other absences for which she did not give a reason. The employer has a "no fault" attendance program. Ms. Schroeder had been warned about her attendance on March 15, 2010. Attendance was the sole reason for her separation from BMC.

Ms. Schroeder filed a claim for job insurance benefits effective April 11, 2010. She has received a total of \$3,000.00 in benefits since filing the claim.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes that Ms. Schroeder abandoned her job when she stopped reporting for available work. The employer had not made any determination regarding her employment status when she stopped reporting. Since she had not been told that she was discharged, her failure to continue reporting to work constituted a voluntary quit. An individual who leaves employment voluntarily 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. Schroeder did not participate in the hearing to explain why she stopped reporting for work. The evidence of record does not establish any good cause attributable to the employer for the separation. Accordingly, benefits are denied.

Ms. Schroeder has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment. As a general rule, an overpayment of job insurance benefits must be repaid. Iowa Code section 96.3(7). If the overpayment results from the reversal of an award of benefits based on an individual's separation from employment, it may be waived under certain circumstances. An overpayment will not be recovered from an individual if the employer did not participate in the fact-finding interview on which the award of benefits was based, provided there was no fraud or willful misrepresentation on the part of the individual. This matter shall be remanded to Claims to determine if benefits already received will have to be repaid.

**DECISION:**

The representative's decision dated May 7, 2010, reference 01, is hereby reversed. Ms. Schroeder quit her employment with BMC for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible. This matter is remanded to Claims to determine the amount of any overpayment and whether Ms. Schroeder will be required to repay benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css