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

CYNTHIA S BRANIGER
Claimant

APPEAL NO. 13A-UI-06123-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 04/28/11
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Cynthia Braniger, filed an appeal from a decision dated May 14, 2013, reference 01. The decision found her disqualified for unemployment benefits. After due notice was issued, a hearing was held in Des Moines, Iowa, on June 25, 2013. The claimant participated on her own behalf. The employer, Casey's, participated by Store Manager Stephanie Mills and Assistant Manager Rob Dickson.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Cynthia Braniger` was employed by Casey's from April 11, 2012 until April 15, 2013 as a full-time cashier. On April 5, 2013, the claimant called Store Manager Stephanie Mills and said she wanted to go to a medical clinic to get a "second opinion" about her wrists and arms. She already had an appointment later in the month with a company doctor for a possible work-related injury.

Ms. Mills told her she must find a substitute as required by company policy or else come in to work her scheduled shift at 4:00 p.m. She was also asked Ms. Braniger to call back and update the manager on the situation. Ms. Mills even offered to give the claimant the names and phone numbers of other employees she could contact. Ms. Braniger did not attempt to contact anyone to substitute for her nor did she call the manager back and state she had not found a substitute and would not be in to work.

On April 8, 2013, the claimant was issued a written warning for being no-call/no-show to work on April 5, 2013. She refused to sign the warning and left the building in the middle of her shift. Assistant Manager Rob Dickson spoke with her as she waited outside for a ride home. She surrendered her store key to him and said she "could not take it anymore."

She did not work her next scheduled shifts of April 11, 13 and 14, 2013. She called Ms. Mills on April 15, 2013, who told her she had been "terminated."

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(4) and(28) provide:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

(28) The claimant left after being reprimanded.

The claimant maintains she was discharged but there is nothing in the record to support this contention. She walked off the job in the middle of the shift after being reprimanded, surrendered her store key and was no-call/no-show to work for the next three shifts. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of May 14, 2013, reference 01, is affirmed. Cynthia Braniger is disqualified and benefits are withheld until she` has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeyer
Administrative Law Judge

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Decision Dated and Mailed

bgh/css