

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**CINA D CARTER**  
Claimant

**WELLS FARGO BANK NA**  
Employer

**APPEAL NO. 15A-UI-07393-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/14/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 26, 2015, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 20, 2015. Claimant participated. Employer participated by hearing representative Steven Zaks, with witness Kristin Teckenburg. Employer's Exhibits One through Three 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 25, 2015. Claimant contacted employer on or around May 24, 2015 alerting employer that she would be leaving her job to attend to her fiancé's father's funeral (Employer's Ex. 1). Claimant stated that she would not be in at work on May 26, and that the ceremony was May 30 or so. Claimant then stated that she would attempt to have the death notice sent. Claimant also said that she did not know if she would even return to America. Id.

Employer did not hear again from claimant. On June 9, employer attempted to call claimant and left a message on claimant's answering machine asking claimant to return the call when claimant did not answer. On June 12, 2015, employer sent a letter to claimant informing claimant that she was considered to have voluntarily resigned. On June 16, 2015 employer terminated the employment of claimant. On June 18, 2015 claimant returned to town and attempted to return the message which had been left for her the week prior.

Claimant gave numerous statements about how employer did not properly train claimant. Claimant also said that a proper support system was not established at work. Claimant did not allege that she had voluntarily quit her employment for any of these reasons. Claimant did state that she had called upon her return – indicating that she was attempting to return to work on or around this date and not quit her job.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(4) and (20) provides:

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.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

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 by not being in contact with employer for a three-week time period while she was out of town.

The claimant did not call or contact employer within three days of May 30, 2015 – the latest date listed in claimant's request to leave for a personal matter (Employer's Exhibit 1). Additionally, the claimant was gone to attend what could arguably be seen as a serious family obligation – her fiancé's husband's funeral. But, even if that absence is allowed, it is only allowed for ten days under Iowa law. Claimant was gone from May 26, 2015 through June 18, 2015. As this time period is in excess of times allowed under either of the possible scenarios, claimant is disqualified from the receipt of unemployment benefits.

**DECISION:**

The decision of the representative dated June 26, 2015, reference 03, 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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