

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHASTITY L WILSON
Claimant

APPEAL NO. 17A-UI-09919-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AT&T MOBILITY SERVICES LLC
Employer

OC: 09/03/17
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Chastity Wilson (claimant) appealed a representative's September 26, 2017, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with AT&T Mobility Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 13, 2017. The claimant participated personally. The employer was represented by Karen Stonebraker, Hearings Representative, and participated by Jamie Durkop, Attendance Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on February 20, 2017, as a full-time customer service representative. She worked Monday, Tuesday, Thursday, Friday, and Saturday, 10 a.m. to 6 p.m.

The claimant had a heart attack in March 2017, and began having seizures and memory issues. In May, June, and July 2017, she took intermittent leave. From July 10 to August 21, 2017, the claimant took a leave of absence. On August 22, 2017, the claimant met with the attendance manager. The claimant asked her to open up the schedule so the claimant could use vacation days. The claimant told the employer her physician wanted her to work part-time hours. The manager informed the claimant that the employer did not have any part-time jobs unless the claimant got the position supported through a disability claim. The claimant had the forms to proceed with a disability claim.

The claimant's physician provided the employer's vendor with a doctor's note dated August 31, 2017, that stated the claimant could work five days per week, four hours per day. The claimant took vacation from August 22 to September 1, 2017. On September 2, 2017, the claimant called in sick. On September 4, 2017, the claimant appeared for work and left after thirty

minutes without notifying her supervisor. She did not appear for work or notify the employer of her absence after September 4, 2017.

The claimant filed for unemployment insurance benefits with an effective date of September 3, 2017. On September 19, 2017, the employer was unable to reach the claimant after calling her a few times. The claimant told the employer she was resigning. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. The claimant stopped appearing for work and answering the telephone. Later she told the employer she was quitting. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's September 26, 2017, decision (reference 03) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn