

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**LORRAINE M MAEDCHE
420 S 10TH ST
CLARINDA IA 51632**

**KAKAR INC
MCDONALDS RESTAURANT
SUITE 14
123 S 8TH ST
NEBRASKA CITY NE 68410**

**Appeal Number: 04A-UI-00643-HT
OC: 12/21/03 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The claimant, Lorraine Maedche, filed an appeal from a decision dated January 16, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on February 10, 2004. The claimant participated on her own behalf. The employer, McDonalds, participated by Office Manager Karen Baar and Assistant Manager Tammy Karg. Exhibit A was admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Lorraine Maedche was employed by McDonalds from May 28 until September 19, 2003. She was a part-time crew member.

On September 19, 2003, the claimant received a call from her mother and after hanging up, told Assistant Manager Tammy Karg to "fire me if you want, I have to leave." When Ms. Karg asked her what was wrong, Ms. Maedche replied, "What do you care?" and walked out.

Later that day the claimant talked to Swing Manager Terry McKinnen who told her she needed to talk to Ms. Karg and "work something out." The claimant never called back.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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.

The claimant may have had good personal reason for leaving the work place before the end of her shift, but she never made any effort to contact Ms. Karg to "work something out" as she was told to do by the swing manager. The claimant asserts she was fired by Ms. Karg over the phone on September 23, 2003, allegedly because she talked to Ms. McKinnen instead of Ms. Karg. However, as the assistant manager, Ms. Karg does not have the authority to hire or fire anyone without the approval of her supervisors. The written statements submitted by the claimant in support of her contention are, at best, hearsay and are insufficient to rebut the employer's testimony. The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of January 16, 2004, reference 01, is affirmed. Lorraine Maedche is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/s