

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NINA BREWER**

Claimant

**APPEAL NO. 07A-UI-06715-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**

Employer

**OC: 06/10/07 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Nina Brewer (claimant) appealed an unemployment insurance decision dated June 28, 2007, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Care Initiatives (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 26, 2007. The claimant participated in the hearing. The employer participated through Selena Selsor, Administrator; Christine Canavan, Environmental Supervisor; Bill Tripp, Maintenance Supervisor; and Employer Representative Lynn Corbeil. Employer's Exhibits One through Ten were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**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 employed as a full-time employee working in the laundry department from December 18, 2003 through June 8, 2007 when she walked off the job. The claimant received a disciplinary warning on June 5, 2007 for attendance. She became upset, said she wanted to talk to the administrator and then told her supervisor what she could do with the job and walked out. The claimant called the supervisor shortly thereafter and apologized. The supervisor told her she could return if she was going to work her entire shift and the claimant agreed. The claimant returned and the supervisor gave her some space but later went to get the disciplinary warning signed and the claimant had left again without permission.

The supervisor later found a vacation request for four hours signed by the claimant for that date. The supervisor was gone the next day but when she returned on June 7, she found another request from the claimant for six hours of vacation on June 7, 2007. The supervisor still needed

the claimant's signature on the disciplinary warning so went down to the laundry area to see her. The claimant acted as if she did not know about the paper and she and her supervisor then argued about that. The supervisor denied the vacation request and told the claimant to speak with the administrator. The claimant met with the administrator and revealed that she was taking a narcotic, Vicodin. She was advised the employer needed something from the claimant's physician or the prescription bottle or both. The claimant was given the administrator's fax number and advised she could just have it faxed in.

The claimant reported to work on June 8, 2007, but had not provided the prescription or medical information. She claims she did not have the prescription bottle and her physician left the clinic at which she was seen so could not obtain any medical information. The safety manager advised the claimant's supervisor that the claimant could not work on the machines until they received some type of medical release or information. The claimant again met with the administrator and was again told the fax number. She was not sent home and could have performed other work but simply could not work on a machine until the medical information was received. The claimant walked off the job without permission and without anyone's knowledge. The employer later discovered she left and terminated her for job abandonment.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by walking off the job three times in the one-week period ending June 8, 2007. She claims she was unable to obtain the medical information but that claim is not credible. If she was taking medication prescribed for her, it would have been simple to provide substantiation of that fact. However, that is not the issue since the claimant ended her own employment by walking off the job.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

#### **DECISION:**

The unemployment insurance decision dated June 28, 2007, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are

withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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