

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TERESA L ANDERSON
Claimant

FLAGGER PROS USA LLC
Employer

APPEAL NO. 17A-UI-08594-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/30/17
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 August 18, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 8, 2017. Claimant participated. Employer participated by Victoria Johnson and Megan McGonigle.

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 July 25, 2017. Claimant stated that her hotel room wasn't extended after her work that day, so she assumed that she wasn't working the next day. Claimant stated that she didn't attempt to contact employer about the lack of a hotel space, but just assumed that she wasn't needed the next day.

Claimant then stated that the next day, she didn't work, but received a message from employer stating, "Because you are no longer working for Flagger Pros, we need you to turn in your uniform." Claimant stated that she didn't understand this, but didn't bother to call employer back to inquire about her being terminated.

Employer stated that claimant was told that she was to work on July 26th the day before. When claimant didn't show for her job, she was called multiple times. When claimant didn't return any of the calls, employer stated that if claimant no longer wished to work for Flagger Pros that she should turn in her uniform; otherwise call employer and explain what happened.

Claimant admitted she didn't call employer back, stating she was looking for other work and didn't want to make things difficult for her sisters who also worked for the company.

REASONING AND CONCLUSIONS OF LAW:

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.

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 because she didn't have a hotel room set for her the night before she was to work the next day.

Claimant didn't pursue contacting employer to see if there was a mistake with hotel reservations, nor did she return a call to employer made on July 26, 2017. Absent these reasonable actions, employer rightly believed claimant had quit her position, and this quit was not for good cause attributable to employer.

DECISION:

The decision of the representative dated August 18, 2017, reference 02, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn