

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN R ROMINE
Claimant

APPEAL NO: 15A-UI-03136-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARSDEN BLDG MAINTENANCE LLC
Employer

OC: 02/01/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 3, 2015 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the March 25 hearing. Michele Hawkins represented the employer and Margarita Bernardino testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on June 10, 2014. The claimant worked full time maintaining and cleaning buildings. During her employment, the claimant was responsible for cleaning two or three buildings. When A. supervised the claimant, the claimant was not required to be at her buildings at a certain time. Her supervisor was only concerned that by 6 a.m. the buildings assigned to the claimant were clean. The claimant also understood her supervisor did not care what she did not when she not in a building.

The last day the claimant worked was September 29, 2014. Her supervisor had been assigned to another area so another supervisor had been assigned to oversee the buildings the claimant worked at. The claimant did not have any transportation and walked to work.

On September 29, after the claimant finished cleaning the first building, she stopped at her apartment and had a drink or drink(s). When the clamant reported to the second building, the acting supervisor asked where she had been. The employer told her that she was a safety concern because she was intoxicated and told her that she had to leave. The employer concluded the claimant had been drinking and was not fit to do her job duties that night. The employer called another employee to take the claimant home. The employer escorted the

claimant off the property. The claimant was embarrassed when the employer escorted her off the property.

Even though an employee suggested that the claimant contact upper level management about the way she had been treated on September 29, she did not. The claimant did not report to work any time after September 29. If the claimant had reported to work, the employer would have disciplined her, but would not have discharged her.

When the claimant did not report to work on September 30, the operations manager called and left her a message. The claimant did not call or report to work after September 29, 2014. The employer concluded she quit by abandoning her employment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The claimant asserted the employer discharged her by asking for her badge and building keys. The employer does not have the claimant's badge. Even though the employer believed the claimant was intoxicated, the employer only planned to discipline the claimant, not discharge her. The claimant assumed she had been discharged when the employer escorted her out of the building she was to clean on September 29, 2014. The claimant was embarrassed when the employer escorted her off the property. Even though another employee suggested that she call management, the claimant did not. She did not call the employer or report back to work after September 29, 2015.

When the claimant did not have any contact with the employer after September 29, the employer assumed she abandoned or quit her employment. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

Even though the claimant did not appreciate being escorted out of a building she was scheduled to clean, she did not establish good cause for failing to return to work or contacting the employer after September 29. The claimant effectively quit or abandoned this employment for personal reasons, but her reasons do not establish good cause for quitting. As of September 28, 2015, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 3, 2015 determination (reference 02) is affirmed. The claimant voluntarily quit this employment in late September 2014 for personal reasons, but her reasons for quitting do not qualify her to receive benefits. As of September 28, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues

until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css