

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DESSERI D FEE
Claimant

HY-VEE INC
Employer

APPEAL NO. 14A-UI-05037-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/13/14
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 May 6, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 3, 2014. Claimant participated. Employer participated by Sabrina Bentler. Employer's exhibits A-D were admitted into evidence.

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 April 9, 2014. On the morning of April 9, claimant was called out of the restaurant area to meet with the store manager and a member of Hy Vee's safety and security department. As there was money missing from the store, multiple members of the employer's staff were being questioned as to misappropriation of funds. Claimant was the first of the staff members to be questioned. Claimant became very upset at what she perceived to be the accusatory tone of the questioning. She walked out of the meeting and loudly stated expletives as she grabbed her things and walked out of the store.

Later that day the claimant tried on two occasions to get in touch with the store manager and ask if she still had a job. The manager wouldn't give her a definite response, instead asking her to come back into the store so they could go over what had happened that morning. Claimant didn't want to return without knowing her employment situation, and the store manager didn't know her employment situation without first having her return so they could discuss the situation, the storming out of the room, and the subsequent foul language outburst.

The next three days claimant was listed to work on the schedule and she was a no call/no show for those days of work. At that point employer deemed claimant a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

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 by not showing up for work for three days in a row. Claimant's reasons offered for not coming back to work do not constitute good cause attributable to employer as it is reasonable for an employer to wish to talk with an employee face-to-face after an outburst at work before determining whether employment will continue with that person. Claimant's refusal to meet followed by her not calling or showing for work for the next three days constitutes a voluntary quit without good cause attributable to employer.

DECISION:

The decision of the representative dated May 6, 2014, reference 01, 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/pjs