IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

AUTUMN BROWN
Claimant

APPEAL NO: 13A-UI-02285-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CASEY'S MARKETING COMPANY
CASEY'S GENERAL STORES**
Employer

OC: 01/06/13
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Autumn Brown (claimant) appealed an unemployment insurance decision dated February 18, 2013, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Casey's Marketing Company (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 March 25, 2013. The employer participated through Samantha Tiefenthaler, Store Manager and Robyn Dow, First Assistant Manager. The claimant participated in the initial part of the hearing but was disconnected at approximately 3:37 p.m. The administrative law judge called the claimant three times but did not reach her so a message was left. She did not return the calls to the Appeals Section before the record closed at 3:40 p.m. The claimant called the Appeals Section at 4:16 p.m. and the administrative law judge contacted the employer to reopen the record. Before the record could be reopened, the claimant had again disconnected. She was called and a message was left for her to call the Appeals Section before 4:30 p.m. or the decision would be issued based on the evidence previously provided. No calls were received from the claimant prior to the end of the work day. 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 donut maker from October 13, 2011 through January 3, 2013 when she was considered to have voluntarily quit. She was a no-call/no-show on January 1 and 2, 2013 but then failed to call or return to work after those dates. The claimant sent a text message to the first assistant manager on the evening of

December 31, 2012 to report she would not be at work on January 1, 2013, which also happened to be her birthday. Employees must contact the store manager to report an absence and no text message notifications are accepted.

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 failing to call or report to work after December 31, 2012. There is no evidence in the record establishing why she quit her employment.

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 February 18, 2013, 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

sda/pjs