

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN A BEEK
Claimant

APPEAL NO. 07A-UI-03563-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMPREHENSIVE SYSTEMS INC
Employer

**OC: 03/18/07 R: 02
Claimant: Appellant (5)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Robin Beek (claimant) appealed a representative's April 5, 2007 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was discharged from work with Comprehensive Systems (employer) for excessive unexcused absenteeism. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 23, 2007. The claimant participated personally. The employer participated by Shari Toebe, Home and Community Based Services Support Manager; Sheryl Pringle, Director of Personnel; and Orene Baker, Home and Community Based Services Personnel Manager.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

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 hired on March 17, 2005, as a part-time direct support staff person. The claimant signed for receipt of the company handbook on March 17, 2005. The handbook requires an employee to personally notify the employer two hours prior to the start of her shift.

The claimant's friend telephoned the employer fifteen minutes prior to the start of the claimant's shift on March 2, 2007, to report the claimant's absence from work. The employer told the friend that the claimant needed to call the employer. The employer waited but the claimant did not call. The employer telephoned the claimant and the claimant confirmed she would not be at work. The claimant was in her car headed out of town because she was having problems with an ex-boyfriend. The employer told the claimant she had to report her absences because it might jeopardize her job.

The claimant did not appear for work or notify the employer of her absence. On March 13, 2007, the employer sent a letter to the claimant asking her to contact the employer. On

March 19, 2007, the claimant returned to town. She met with the employer on March 20, 2007. The employer assumed the claimant had abandoned her job. Continued work was available had the claimant appeared for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 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.

871 IAC 24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She was absent from work for personal reasons for more than ten working days. When an employee is absent from work for more than ten working days for compelling personal reasons, her leaving is without good cause attributable to the employer. The claimant left work for more than ten working days for compelling personal reasons. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's April 5, 2007 decision (reference 01) is modified with no effect. The claimant voluntarily left work without good cause attributable to the employer. Benefits are denied.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css