

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE L AARHUS**  
Claimant

**APPEAL NO. 10A-UI-05043-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**  
Employer

**OC: 03/25/10**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated March 25, 2010, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 19, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Mallary Schon participated in the hearing on behalf of the employer. Exhibit A, 1, 2, and 3 were admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as an extension program assistant from January 2, 2007, to January 7, 2010. She was informed and understood that under the employer's work rules, employees were required to notify their supervisor if they were not able to work as scheduled.

The claimant was absent for a scheduled staff meeting on January 8, 2010, because of a domestic abuse situation the night before. She called her supervisor, Susan Uthoff, about an hour after the start of the meeting and informed her that she would not be at the meeting and would need some time off. Uthoff told her that she needed to get back to the meeting and to email her with the time off she needed and they would work it out.

The claimant had heard secondhand from other employees that Uthoff had told others about her situation and had threatened to fire her. She emailed Uthoff on January 12 explaining in more detail what had happened to her and suggesting that Uthoff fire her. Uthoff sent the claimant an email on January 13 asking her about what days she had worked that pay period and whether she wanted to take vacation or sick for days missed. The claimant replied on January 14 listing days work, sick days, and vacation through January 15. She stated she would be taking paid leave if she had it for the next week; otherwise, she would take unpaid leave or furlough days.

On January 15, Uthoff acknowledged that the claimant was requesting January 18 through 22 off based on the mail she had sent. She informed the claimant that her one-on-one meeting with the claimant scheduled for January 22 would be rescheduled for January 25. The claimant replied by email on January 22 that she had a court appearance scheduled on January 25 and that she would probably have to take unpaid time off for that day. She also left a voice mail message for Uthoff stating she had sent Uthoff an email about the meeting on January 25.

The communication the claimant sent to Uthoff on January 22 did not indicate that the claimant was requesting any additional time off after January 25. She made no further effort to contact anyone with the employer after January 22. She was absent without notice to the employer or approval from the employer after January 25.

Uthoff sent the claimant a letter and an email on January 25: (1) rescheduling the one-on-one meeting for January 26, (2) informed the claimant about the availability of Family and Medical Leave Act (FMLA) leave and the employee assistant program, (3) requesting information about whether she was requesting time off and what form of time off she was requesting, and (4) requesting information about how to reach her including current phone number, email, and mailing address. The claimant did not get the letter or email because she was not residing at the residence the letter was sent to and she was no longer checking her ISU email. A similar letter was sent by letter and email on February 2 from her new supervisor, Jan Temple (Uthoff retired at the end of January). The February 2 letter said that if the claimant did not respond by February 4, disciplinary action up to and including termination could take place. The claimant did not get the letter or email for the same reason as stated above. Temple sent a final letter and email on February 5 stating that she was separated from employment due to her failure to report to work or contact the employer after January 22.

#### **REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a.

The claimant abandoned her job due to her failure to communicate with any supervisor after her email and voice mail sent on January 22. The claimant makes a big point about her supervisor not calling her after she sent the email and called her on January 22. The problem is that the email and message only said that she was not able to make the meeting on January 25. She said nothing about needing more time off or requesting a return call from her supervisor to discuss her situation further. If you read the email, and based on the claimant's testimony about what she said in her voice mail, no reply or return call was necessary. Neither the email or the voice message she left informed her supervisor that she would no longer be accessing her ISU email or not to mail things to her. She testified that she was diligent in keeping her supervisors informed about her situation, but that diligence ended on January 22. It's not the employer's obligation to contact an employee to find out why she is not coming to work and whether they need leave. It's the employee's obligation, and the claimant failed to meet that obligation. No good cause has been shown for the claimant's quitting her job. While I can sympathize regarding the claimant's difficult personal situation, it does not excuse her from talking directly with her supervisor to make sure she is approved to be off work.

Even if the separation is considered a discharge, the claimant would be disqualified because after January 25 the claimant was absent without notice or approval, which would be excessive unexcused absenteeism and disqualifying misconduct under the unemployment rules. 871 IAC 24.32(7).

**DECISION:**

The unemployment insurance decision dated March 25, 2010, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs