

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE K TEFF
Claimant

APPEAL NO. 13A-UI-13082-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MAINSTREAM LIVING INC
Employer

**OC: 10/20/13
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jamie Teff, filed an appeal from a decision dated November 20, 2013, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 16, 2013. The claimant participated on her own behalf. The employer, Mainstream Living, participated by Human Resources Manager Marcanne Lynch and Team Leader Paige Hinrichsen.

ISSUE:

The issue is whether quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Jamie Teff was employed by Mainstream Living from March 2, 2011 until March 4, 2013 as a full-time assistant team leader. She was arrested on December 6, 2012, and notified the employer in person on December 17, 2012. Per company policy she was on suspension pending the final disposition of her criminal case.

Ms. Teff notified Human Resources Manager Marcanne Lynch on February 4, 2013, she had a hearing in two days which might dispose of the case and wanted to know how the criminal matter would impact her supervisory role. Ms. Lynch consulted with the director of human resources and told Ms. Teff if the plea agreement meant the charge would be expunged from her record it would not impact her role as assistant team lead.

The claimant did not contact the employer after that date. After many unsuccessful attempts to contact Ms. Teff by phone, Ms. Lynch finally sent her a certified letter on February 22, 2013, notifying her she must contact the employer within two days of the date the letter was received to discuss her employment situation. Ms. Teff called the facility on Monday, February 25, 2013, and asked to speak with Ms. Lynch. When the operator told her Ms. Lynch was not available, the claimant did not ask to leave a message on the voice mail, or ask to talk with her supervisor, Team Leader Paige Hinrichsen. She never attempted to call the employer again.

Finally the employer sent her another certified letter on March 4, 2013, notifying her she was considered a voluntary quit due to job abandonment.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was given the opportunity to contact the employer and explain her situation, the disposition of the legal matter, her intentions about returning to work and exactly what the employer required in terms of documentation about the criminal case. She made only one attempt to do so after receiving the letter in February 2013, and did not leave so much as a voice mail for Ms. Lynch or attempt to contact Ms. Hinrichsen at all.

With the lack of any diligent, good-faith effort to contact the employer and try to preserve her job, the administrative law judge can only conclude the claimant did not wish to return to work. Making one phone call and not leaving any messages, or even trying to emphasize the importance of the call to the operator, is too inadequate a response to the letter. Ms. Teff forfeited her job voluntary without good cause attributable to the employer. She is disqualified.

DECISION:

The unemployment insurance decision dated November 20, 2013, reference 02, is affirmed. Jamie Teff is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs