

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CYNTHIA R ADAMS
Claimant

TARGET CORPORATION
Employer

APPEAL NO. 14A-UI-09235-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/15/14
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 September 5, 2014, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 25, 2014. Claimant participated. Employer participated by Deidra Dirth.

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 August 6, 2014. Claimant was deemed to have quit her employment on August 8, 2014 after accruing multiple days of no-call/no-show for work.

Claimant suffers from migraine headaches. At times these headaches are so debilitating that claimant cannot go to work. Shortly after claimant was hired on July 13, 2014 she began getting migraines. She did not make a number of her scheduled shifts because of the headaches. Claimant had not called in to inform employer of her absences. Employer had wanted to work with claimant even though her actions were in violation of the rules included in the employee handbook claimant received at her orientation meeting.

Claimant attempted to call into work early in the morning before her shift, but people did not answer the phone. Claimant was instructed to call in later in the day to explain her situation. She did not do this. Claimant did not show for work for a number of days. Claimant attempted to call in to work a week or so later, but was told that her no-call/no-show actions were determined by employer to have been 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.

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 because her early morning phone calls to tell employer of her illness were not answered. Claimant had a duty to stay in touch with employer to inform the employer of why she would not be showing up for work on each day she missed. Claimant did not do this and did not produce a doctor's note explaining the reasons for her absences. As such, it was reasonable for employer to believe that claimant had voluntarily quit her position. This quit was not for good cause attributable to employer.

DECISION:

The decision of the representative dated September 5, 2014, reference 03, 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/can