

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**ERIKA A HOPSON  
1010 REBECCA AVE  
CARBON CLIFF IL 61239-7012**

**IOC SERVICES  
1641 POPPS FERRY RD #B1  
BILOXI MS 39532-2226**

**Appeal Number: 06A-UI-06825-CT  
OC: 06/04/06 R: 12  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Erika Hopson filed an appeal from a representative's decision dated June 22, 2006, reference 01, which denied benefits based on her separation from IOC Services. After due notice was issued, a hearing was held by telephone on July 19, 2006. Ms. Hopson participated personally. The employer responded to the notice of hearing, but the designated witness was not available at the number provided at the scheduled time of the hearing. The employer returned a call to the administrative law judge at approximately 2:20 p.m., after the hearing record closed at 2:17 p.m. Because the employer did not establish good cause for not being available at the scheduled time, the administrative law judge declined to reopen the hearing record.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Hopson began working for IOC on March 1, 2004, and was employed full time as a games dealer. On May 12, 2006, she called to report that she would be absent due to illness. She did not report for work or call on May 13. She took medication and went to sleep at 6:00 p.m. She set an alarm for 11:30 p.m. with the intent of reporting for her 1:00 a.m. shift. She did not hear the alarm and did not awaken until 10:00 a.m. the next day. Her shift ended at 9:00 a.m. that day. Ms. Hopson did not contact the employer to explain her circumstances. She did not contact the employer until May 19 when she called about her paycheck.

Ms. Hopson had received a warning in approximately March of 2006 because she had been a "no call/no show" on one day. The warning advised that she would be discharged if she was again absent without calling in. She assumed that she had been or would be discharged as a result of the unreported May 13 absence and, therefore, made no effort to contact her employer regarding the absence.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Hopson was separated from employment for any disqualifying reason. The administrative law judge concludes that she abandoned her job when she stopped reporting for work with no notice to the employer. Although she may have believed she was going to be discharged as a result of the unreported absence of May 13, the employer had not made any decision regarding her continued employment when she stopped reporting for work. The employer may well have determined that the failure to report the absence was excusable given Ms. Hopson's illness and the fact that she overslept due to medication. However, the employer was not given the opportunity to consider these factors, as Ms. Hopson did not contact the employer and stopped reporting for work. Any decision by the employer regarding further employment was preempted by Ms. Hopson when she abandoned her job. However convinced she was that she was going to be fired, the fact remains that the employer had not made any decision regarding her employment and the administrative law judge cannot conclude to a certainty that she would have been discharged.

For the reasons cited herein, the administrative law judge concludes that Ms. Hopson voluntarily quit her employment. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any good cause attributable to the employer for Ms. Hopson's quit. Accordingly, benefits are denied.

#### DECISION:

The representative's decision dated June 22, 2006, reference 01, is hereby affirmed. Ms. Hopson quit her employment with IOC Services for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjw