

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANICE EASELY
Claimant

WAL-MART STORES INC
Employer

APPEAL 15A-UI-09110-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 4, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 31, 2015. Claimant participated. Employer participated through store manager, Shannon Ferguson.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer or did employer discharge claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a people greeter from September 30, 2002, and was separated from employment on July 13, 2015, when she was voluntarily quit.

Claimant was on a leave of absence from February through May for an issue with her ankle. Claimant was aware the procedure by which to request medical leave was to contact employer's third-party administrator, Sedgwick.

On May 27, 2015, claimant presented a doctor's note to human resource manager Dean Wilson stating that upon her return to work, claimant needed an accommodation of being able to sit for 30 minutes each hour. Between claimant's return to work on June 1 and her last day of work on June 27, claimant was told on numerous occasions that she needed to complete and return accommodation paperwork in order for employer to accommodate her medical condition. However, claimant did not ask her doctor to complete the paperwork as he charged \$10 for doing so. Claimant did not look into whether the paperwork could be filled out by a doctor at a free clinic that would not charge her for doing so. On June 27, 2015, employer entered a written agreement with claimant stating that she could use a stool until July 3, 2015, when she would be required to return the accommodation paperwork. Claimant called in sick to work on June 28, 29, and 30, 2015. Claimant had no-call/no-show absences on July 4, 5, 6, and 7, 2015. On July 7, 2015, employer sent claimant a letter by certified mail stating that if she did

not contact employer within seven days, her employment would be terminated. Claimant did not contact employer. At some point, claimant sent Wilson a handwritten note stating that she wanted to take medical leave. However, claimant knew this was not the correct procedure for requesting medical leave. Employer did not receive the handwritten note until July 15, 2015, after it terminated claimant's employment. Claimant did not return the paperwork requesting an accommodation, call in to report her absences, or properly request medical leave from employer because she disagreed with the policies requiring her to do so and/or felt mistreated.

Employer has a written policy stating that three no-call/no-show absences results in a separation from employment. Claimant was notified of the policy during orientation and when she was counseled regarding her attendance.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(4) 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 § 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 § 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

An employer is entitled to expect its employees to report to work as scheduled or to be notified when and why the employee is unable to report to work. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer.

Although claimant was angry with employer for requiring her to complete accommodation paperwork before providing her an accommodation, this is not good cause to fail to report her absences. Claimant had effectively ended her employment by failing to report her absences before she made her request for medical leave. Even if she requested medical leave sooner, she did not follow employer's procedure for requesting leave. Claimant was aware of this procedure. Thus, her request was invalid.

DECISION:

The August 4, 2015, (reference 01) decision is affirmed. The claimant voluntarily left employment without 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 benefit amount, provided she is otherwise eligible.

Christine A. Louis
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Decision Dated and Mailed

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