

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANA T YOUNG**  
Claimant

**APPEAL NO. 10A-UI-07966-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LONGBRANCH INC**  
Employer

**Original Claim: 04/04/10  
Claimant: Appellant (2)**

Section 96.5-1-g – Voluntary Quit/Requalification  
Section 96.6-2 – Timely Appeal

**STATEMENT OF THE CASE:**

Shana T. Young filed an appeal from an unemployment insurance decision dated May 3, 2010, reference 02, that disqualified her for benefits. After due notice was issued, a telephone hearing was held July 20, 2010, with Ms. Young participating. CFO Douglas DeLong and Hotel Manager Kathy Luensman participated for the employer, Longbranch, Inc. Exhibit D-1 was admitted into evidence.

**ISSUES:**

Has the claimant filed a timely appeal?

Did the claimant leave work with good cause attributable to the employer?

Has the claimant requalified for benefits?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Shana T. Young was employed as a part-time housekeeper at the Best Western Longbranch Motor Inn from August 17, 2009, until December 7, 2009. When she picked up her final paycheck, she left a written statement that she was leaving work because of many problems in the business. She had missed work on December 3, 4, and 5 without notifying the employer. Work was still available had she continued to report to work. After leaving employment at the Longbranch but before filing her claim for unemployment insurance benefits, she earned more than ten times her weekly benefit amount in wages for insured work with other employers.

When Ms. Young first received her copy of the fact-finding decision dated May 3, 2010, she called the Cedar Rapids Workforce Development Center. She was told not to file an appeal until she received a decision involving another employer. Based on that advice, she delayed filing her appeal until she had received the other fact-finding decision.

**REASONING AND CONCLUSIONS OF LAW:**

The first question is whether the appeal can be accepted as timely. It can. The evidence persuades the administrative law judge that Ms. Young would have filed a timely appeal but for misinformation received from the agency. Under these circumstances, the appeal can be accepted as timely. See 871 IAC 24.35.

The remaining question concerns the unemployment insurance consequences of Ms. Young's separation from employment. For the reasons that follow, the administrative law judge concludes that no benefits should be charged to the account of Longbranch, Inc., but that Ms. Young should not be disqualified for benefits.

Iowa Code section 96.5-1-g states that an individual is disqualified for benefits if the individual leaves work voluntarily without good cause attributable to the employer but requalifies for benefits by earning ten times the individual's weekly benefit amount in wages covered by the unemployment insurance system. From agency wage records, the administrative law judge finds that Ms. Young has earned more than ten times her weekly benefit amount following this separation from employment but prior to filing her claim for benefits effective April 4, 2010. The greater weight of evidence persuades the administrative law judge that Ms. Luensman did not discharge Ms. Young and that Ms. Young left employment by failing to report to work on December 3, 4, and 5, 2009. Under these circumstances, the separation was not with good cause attributable to the employer. Longbranch, Inc. is relieved of charges.

**DECISION:**

The unemployment insurance decision dated May 3, 2010, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of Longbranch, Inc.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw