

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

SHAWNEESHA T DIMERY  
923 – 18<sup>TH</sup> ST  
DES MOINES IA 50314

KUM & GO LC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166 0283

Appeal Number: 05A-UI-03853-DWT  
OC: 02/20/05 R: 02  
Claimant: Respondent (2)

**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:

Kum & Go (employer) appealed a representative's March 28, 2005 decision (reference 04) that concluded Shawneesha T. Dimery (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 3, 2005. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Pam Tedesco, the general manager at the store where the claimant worked, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on January 12, 2004. The claimant worked as a full-time cashier. At the time of hire, the employer informed the claimant that if employees did not report to as scheduled, they would not have a job. During the claimant's employment, there were a few days she did not work as scheduled but she made arrangements for another employee to work her shift.

Prior to March 27, 2004, the claimant's job was not in jeopardy. Tedesco, however, noticed there were more and more cash register shortages. Tedesco informed employees on March 27, 2004, that after the store inspection had been done; she would address the shortages with each employee.

The claimant was next scheduled to work on March 29, 2004. The claimant did not report to work or contact the employer anytime after March 27, 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause. Iowa Code §96.5-1. The evidence indicates the claimant voluntarily quit her employment by abandoning it after March 27, 2004. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The claimant may have had compelling personal reasons for quitting. Since the claimant did not participate in the hearing, the evidence does not establish why she quit or that she quit for reasons that qualify her to receive unemployment insurance benefits. Therefore, as of February 20, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's March 28, 2005 decision (reference 04) is reversed. The employer did not discharge the claimant. Instead, the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 20, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/pjs