

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BIANACA C JONES HUGHES**  
Claimant

**APPEAL NO: 09A-UI-10036-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RAINTREE ENTERPRISES IOWA INC**  
Employer

**OC: 06/07/09**  
**Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Raintree Enterprises Iowa, Inc. (employer) appealed a representative's July 2, 2009 decision (reference 01) that concluded Bianaca C. Jones Hughes (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 29, 2009. The claimant did not respond to the hearing notice or have anyone participate on her behalf at the hearing. Krista Rosecrans, the general manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working as a part-time banquet server for the employer on July 28, 2008. The claimant worked an average of 20 hours a week. The last day the claimant worked was May 23, 2009.

The claimant was scheduled to work after May 23, but she did not call or report to work again. The employer called the claimant in an attempt to find out why she was not reporting to work, but the claimant did not respond to the employer's calls.

The claimant established a claim for benefits during the week of June 7, 2009. The claimant has filed for and received benefits since June 7, 2009. The employer is the only employer in the claimant's base period.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence indicates the claimant voluntarily quit her employment after May 23 when she failed to return to work or contact the employer even though she was scheduled to work. When a claimant quits, she has the burden to establish she quit for reasons that do not qualify her to receive benefits. Iowa Code § 96.6-2.

Since the claimant did not participate in the hearing, it is not known why she did not return to work after May 23. The claimant may have had personal reasons for quitting, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of June 7, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment will be remanded to the Claims Section.

**DECISION:**

The representative's July 2, 2009 decision (reference 01) is reversed. The employer did not discharge the claimant. Instead, she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 7, 2009. 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. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css