

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUSAN M RASSEL**  
Claimant

**APPEAL NO: 13A-UI-09114-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS ENTERPRISES INC**  
Employer

**OC: 07/14/13**  
**Claimant: Appellant (5/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 6, 2013 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Donna Klauzan represented the employer. Brittany Sickles, an associate human resource business partner, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits, but this matter will be remanded to determine if the claimant has earned requalifying wages.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on March 18, 2013. She worked full time as a temporary production employee. When the claimant started working, she received a copy of the employer's attendance guidelines. The employer's policy states a temporary employee will be discharged if they have three attendance occurrences within the first three months of employment. Also, a temporary employee who does not call in to report an absence will be terminated. (Employer Exhibit One.)

The claimant was absent on March 28 and 29. When she worked the next week, her supervisor did not talk to her about these absences. The last day the claimant worked was on April 2, 2013. The claimant's supervisor gave the claimant permission to leave work early on April 2, for medical reasons. The claimant did not call or work on April 3.

When the claimant did not report to work on April 3, Sickles called the claimant and left her a message. Sickles asked the claimant to call her by April 5 to explain why she had not been at work on April 3. The claimant did not return Sickles call. When the claimant did not call by

April 5, the employer sent the claimant a letter late on April 5. The April 5 letter informed the claimant that the employer considered her to have voluntarily quit when she did not call or report to work on April 3 or contact Sickles by April 5.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The evidence establishes the claimant quit by abandoning her employment. The claimant's assertion that she went to work on April 3 and could not get into work is not credible. If her badge did not work, she could have used the phone by the entrance to call security or a supervisor. She did not do this. The administrative law judge concludes the claimant did not go to work on April 3. She did not call the employer or respond to Sickles April 3 message. The claimant's failure to call or report to work after April 2 indicates she abandoned her employment. The claimant may have assumed she would be discharged because she left work early on April 2, but the employer had not made a decision to discharge her as of April 3.

When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2). The claimant did not establish that she quit for reasons that qualify her to receive benefits. As of April 5, 2013, the claimant is not qualified to receive benefits.

This matter will be remanded to the Claims Section to determine if the claimant earned ten times her weekly benefits from Regis Corporation between April 5 and July 14, 2013.

**DECISION:**

The representative's August 6, 2013 determination (reference 02) is modified, but the modification has no legal consequence. The employer did not discharge the claimant. Instead, the claimant 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 April 5, 2013. 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 whether the claimant has earned requalifying wages from Regis Corporation between April 5 and July 14, 2013, 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