

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN E DAU
Claimant

SKYLINE CENTER INC
Employer

APPEAL NO: 10A-UI-15002-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/22/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(25) – Left for Unapproved Vacation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 25, 2010 reference 01 that held she voluntarily quit without good cause attributable to her employer on August 23, 2010, and benefits are denied. A telephone hearing was held on December 9, 2010. The claimant participated. Lisa Hammond, HR Director, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time day habilitation aide from March 17, 2008 to August 23, 2010. The claimant received employer policy that requires employees to give two-week to request vacation.

Claimant submitted a vacation request to her supervisor on August 5 to be off work from August 12 to August 23. HR Director Hammond and the supervisor met with claimant on August 6. The employer denied the request because claimant failed to give proper notice, her 32.75 hours of vacation would not cover the request period (9 working days or 64 hours), she was behind in her paperwork, and it would leave the employer with a staff shortage in her department. Claimant responded that she and her husband had advanced money for the vacation and it was the only time he could get off work. The employer affirmed the denial with a written memo.

Claimant was absent from work for the period from August 16 thru August 20. When claimant returned to work on August 23 she was terminated for an unexcused absence.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

871 IAC 24.25(21) 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 section 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 section 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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable on August 23, 2010 due to her leaving for a vacation period that had been denied.

The employer offered more credible testimony than claimant who could not remember the specifics about her vacation request and the employer denial. The employer acted within the parameters of its vacation policy when it denied claimant request due to short notice and a lack of accrued vacation hours to cover the proposed period. Claimant made a unilateral decision to put money toward vacation payment prior to employer approval, and her decision to leave is a voluntary employment separation without good cause attributable to the employer.

DECISION:

The department decision dated October 25, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause due to leaving for an unapproved vacation effective

August 23, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs