

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REGINALD D PERRY**  
Claimant

**APPEAL NO. 11A-UI-07121-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**K MART CORPORATION**  
Employer

**OC: 04/24/11**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 24, 2011, reference 03, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 22, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Kelli Springer participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as a replenishment worker from February 1, 2010, to December 8, 2010. The claimant failed to report to work after December 8, 2010, due to babysitting problems and relocating and quit his employment. The claimant's testimony that he was discharged for exceeding the six-infraction limit under the attendance policy is not credible as the claimant only had four-and-a-half attendance infractions as of December 8, 2010. The employer considered the claimant to have voluntarily quit and listed him as eligible for rehire, which would not occur if he was discharged.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The employer's testimony is more believable than the testimony given by the claimant. The claimant asserted a manager told him he was discharged for having six attendance infractions, yet the records show he only had four-and-a-half

attendance infractions. The preponderance of the evidence establishes the claimant voluntarily quit without good cause attributable to the employer.

**DECISION:**

The unemployment insurance decision dated May 24, 2011, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs