

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRYSTLE L SCHOULTZ**  
Claimant

**APPEAL NO. 09A-UI-11620-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP LLC**  
Employer

**OC: 07/05/09**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.6-2 - Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 3, 2009, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 27, 2009. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Ben Ohl participated in the hearing on behalf of the employer.

**ISSUE:**

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

Did the claimant file a timely appeal?

**FINDINGS OF FACT:**

The claimant worked part-time for the employer as a clerk from July 7, 2008, to June 17, 2009. She had been off work after June 17, 2009, due to an off-duty medical problem with her foot. The understanding was that she would return to work after she was released by her doctor.

On June 23, 2009, the claimant came into the store and inform the assistant manager that she was quitting because she was tired of people spreading rumors about her. The claimant believed that coworkers were saying that she was faking her injury. Continuing work was available the claimant if she had not quit her job.

An unemployment insurance decision was mailed to the claimant's last-known mailing address on August 3, 2009. The decision concluded the claimant voluntarily quit employment without good cause and stated that the decision was final if an appeal was not filed by August 13, 2009. The claimant never received the decision because she had moved from her prior address. The claimant found out about the decision on August 14, 2009, and immediately appealed.

## **REASONING AND CONCLUSIONS OF LAW:**

The first issue in this case is whether the claimant filed a timely appeal.

Iowa Code § 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

In this case, the claimant's appeal was filed after the deadline for appealing expired but that was because she was unaware of the decision before August 14, 2009. Her appeal is deemed timely since she did not have a reasonable opportunity to file a timely appeal.

The next issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code § 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.

The evidence establishes that the claimant quit her employment. The reasons for her quitting were not attributable to the employer. Therefore, she is disqualified from receiving unemployment insurance benefits.

## **DECISION:**

The unemployment insurance decision dated August 3, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css