

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ERNEST D JOHNSON**  
Claimant

**SAC & FOX TRIBE  
MESKWAKI BINGO CASINO & HOTEL**  
Employer

**APPEAL NO: 11A-UI-04939-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/09/10  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(27) – Left After Reprimand

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated April 6, 2011, reference 06, that held he voluntarily quit employment without good cause on March 17, 2011, and benefits are denied. A telephone hearing was held on May 9, 2011. The claimant participated. Corbett Howard, HR Director, and Terry Papesch, HR Administrative Assistant, participated for the employer. Employer Exhibits 1 & 2 was received as evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit with 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 began work as a part-time cook/cashier on July 7, 2010, and last worked for the employer on March 17, 2011. The employer called claimant into a meeting on March 17 to discuss his attitude and job performance. After discussing the issues, the employer perceived claimant disagreed with the employer so it suspended him by saying if you want to return to work, you will need to contact me.

The claimant left work escorted by the HR Director who requested his badge, so he could not re-enter the premises without contacting him. A short time later, claimant called the director and asked to let him back on the premises to get his personal items from his locker. The director complied and the claimant turned-in his uniforms. When the claimant failed to contact the director about continuing employment, he was terminated as a voluntarily quit on March 21, as a 3-day, no-call, no-show to work, March 18, 19, 20 & 21. The employer sent claimant a termination letter confirming his voluntary quit, and the claimant did not respond.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(28) 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 § 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 § 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:

(28) The claimant left after being reprimanded.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on March 21, 2011 due to a reprimand.

The claimant was effectively suspended for his failure to accept employer admonitions regarding his attitude and work performance. Continuing employment was made available to him by requesting it. After he reflected upon his escort from the premises by complying with the employer request to turn in his badge, he called the director to be allowed to come back on the premises to clean out his locker and turn in his uniforms that was granted. At that point, he knew he did not need to have his badge to return to work, but he would need to call the director in advance to come back to work.

Claimant is contending he was discharged, but his behavior after he was first escorted from the premises with his failure to respond to the employer termination letter does not support it.

**DECISION:**

The department decision dated April 6, 2011, reference 06, is affirmed. The claimant voluntarily quit without good cause attributable to the employer effective March 21, 2011. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs