

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN J COLOMBO SR
Claimant

APPEAL NO. 08A-UI-03594-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 03/09/08 R: 02
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

John Colombo filed an appeal from a representative's decision dated April 11, 2008, reference 01, which denied benefits based on his separation from Hy-Vee, Inc. After due notice was issued, a hearing was held by telephone on April 29, 2008. Mr. Colombo participated personally. The employer participated by Ben Schmidt, Night Stock Manager; Jeremy Low, Manager of Store Operations; Tim Baxter, Assistant Night Stock Manager; and LiehAnne Abrahamson, Human Resources Manager. The employer was represented by Tim Speir of Unemployment Insurance Services. Exhibits One and Two were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Colombo was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Colombo began working for Hy-Vee, Inc. on May 18, 2006 and worked full time as a night stocker. He came to the store on January 9, 2008, his day off, to discuss disciplinary action to be taken as a result of attendance issues. He was told he was suspended for three days, January 10, 11, and 13, and to return to work on January 14.

Mr. Colombo returned to work on January 14 as scheduled. He was allowed to leave his shift 15 minutes early because he completed his assigned work. Although he was on the schedule to work after January 14, he did not return for scheduled work or notify the employer of his intentions. He was never told he was discharged. Continued work would have been available if Mr. Colombo had returned to work as scheduled.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Colombo abandoned his job when he stopped reporting for available work with no notice to the employer. As such, his separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). It was Mr. Colombo's contention that he did not see any hours for him on the posted work schedule and, therefore, presumed he had been discharged. For this reason, he did not offer any reasons as to why he would quit the employment. The evidence of record does not establish any good cause attributable to the employer for the quit.

The employer's testimony was credible concerning the fact that the posted schedule did reflect hours for Mr. Colombo. Even if there were no hours listed by his name, he had an obligation to at least question the employer as to why he had not been scheduled. He acknowledged that he did not question anyone about what hours were available to him. He simply stopped reporting to work.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Colombo voluntarily quit his employment with Hy-Vee, Inc. for no good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated April 11, 2008, reference 01, is hereby affirmed. Mr. Colombo quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw