

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JULIE S ROGGE  
3526 PHEASANT LN  
WATERLOO IA 50701**

**GMAC MORTGAGE CORP OF IOWA  
c/o BARNETT ASSOC INC  
PO BOX 7340  
GARDEN CITY NY 11530**

**Appeal Number: 05A-UI-08360-DWT  
OC: 07/17/05 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Julie S. Rogge (claimant) appealed a representative's August 10, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of GMAC Mortgage Corporation of PA (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 30, 2005. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's witness/representative could be contacted to participate in the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in August 2004. The claimant worked as a loan counselor. She worked about 30 hours a week.

About a week prior to June 22, 2005, the claimant's supervisor talked to her about her excessive absenteeism. The claimant had been absent from work because of an abusive situation she was involved in. The claimant's supervisor knew about the abusive relationship and had previously asked the claimant to take steps to get out of the relationship. About a week prior to the claimant's employment separation, the claimant's supervisor told her if she missed one more day of work, she would be discharged.

On June 21, 2005, the claimant's boyfriend physically assaulted her. The claimant had bruises as a result of the assault, but she was emotionally unable to work on June 22. The claimant left her supervisor a phone message the morning of June 22, telling him she was quitting because she could not report to work that day. If the claimant's supervisor had not talked to her about her attendance problems prior to June 22, the claimant would not have left a message that she was quitting. After June 21, the claimant moved out of the abusive relationship and was available to work on June 23.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant voluntarily quit her employment on June 22, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

Even though the employer told the claimant her job was in jeopardy in mid-June, the claimant does not know with certainty the employer would have discharged her for being absent from work on June 22. Since the claimant then moved out of the abusive relationship and was available to work on June 23, the facts do not establish whether the employer would have allowed her to continue to work if she had not quit the day before. Under the facts of this case, the claimant established compelling personal reasons for quitting because she assumed the employer would discharge her for the June 22 absence. The law presumes a claimant quits without good cause when she quits after receiving a reprimand. 871 IAC 24.25(28). The evidence does not establish that the claimant quit for reasons that qualify her to receive unemployment insurance benefits. Therefore, as of July 17, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 10, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment

insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 17, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/kjw