

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA R SCHERMERHORN
Claimant

APPEAL NO. 07A-UI-07349-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FRANK N MAGID ASSOC INC
Employer

**OC: 07/01/07 R: 03
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Melissa Schermerhorn filed an appeal from a representative's decision dated July 25, 2007, reference 02, which denied benefits based on her separation from Frank N Magid Associates, Inc. (Magid). After due notice was issued, a hearing was held by telephone on August 15, 2007. Ms. Schermerhorn participated personally. The employer participated by Beth Parker, Payroll/Benefits Specialist, and Scott Borchert, Field Supervisor.

ISSUE:

At issue in this matter is whether Ms. Schermerhorn 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: Ms. Schermerhorn began working for Magid on March 12, 2007. She was hired to work full time but voluntarily reduced her status. She was last employed as a surveyor working from 16 to 20 hours per week. Her last day at work was June 24. She properly reported the intent to be absent on June 24, 26, and 27.

Ms. Schermerhorn received a verbal warning regarding her attendance on June 20. Because of the warning, she contacted Scott Borchert on July 1 to determine if she still had employment. She was advised that she still had a job but would be receiving a written warning concerning her attendance. She was scheduled to be at work at 6:00 p.m. on July 1. However, her car would not start and, therefore, she called to report that she would be absent. Ms. Schermerhorn did not thereafter return to work or contact the employer regarding her status. A couple of days later, she turned in her company access card. She was never told she was discharged.

The employer has a progressive disciplinary policy regarding attendance. An individual who is absent three times in one month is subject to disciplinary action. The first step in the process is a verbal warning, followed by a written warning if the problem continues. If there are further attendance issues, the employer will either discharge or place the individual on probation. Individualized determinations are made based on the frequency and reasons for the absences.

The employer had not made a decision to discharge Ms. Schermerhorn when she stopped reporting for available work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Ms. Schermerhorn abandoned her job when she stopped reporting to work. She was never told she had been discharged. She assumed she would be discharged as a result of the July 1 absence. However, she preempted any decision by the employer when she stopped reporting for work. For the above reasons, the administrative law judge concludes that Ms. Schermerhorn initiated her separation from employment. Therefore, the separation is 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). Having taken the position that she was discharged, Ms. Schermerhorn did not offer any reason as to why she would quit the employment. Her belief that she was going to be discharged did not constitute good cause attributable to the employer for quitting. This is especially true since there was no basis in fact for her belief.

For the reasons cited herein, the administrative law judge concludes that Ms. Schermerhorn's quit was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated July 25, 2007, reference 02, is hereby affirmed. Ms. Schermerhorn voluntarily quit her employment with Magid for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs