

**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**

**LOGAN A CHRISTENSEN
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**ADVANCED DRAINAGE SYSTEMS INC
c/o ADP UCM SERVICES INC
PO BOX 66744
ST LOUIS MO 63166-6744**

**Appeal Number: 05A-UI-01771-SWT
OC: 01/09/05 R: 01
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 8, 2005, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 7, 2005. The parties were properly notified about the hearing. The claimant provided a telephone number at which he could be reached for the hearing but was not available at that number or at his cell phone number, which his father provided. He did not participate in the hearing. Toby Solis participated in the hearing on behalf of the employer with a witness, Dave Schmass. Exhibit One was admitted into evidence at the hearing.

FINDINGS OF FACT:

The claimant worked full time for the employer as a downstream technician from May 12, 2004 to October 5, 2004. The claimant was informed and understood that under the employer's work

rules, employees were required to notify the employer before the start of their shift if they were going to be late or absent from work.

The claimant was scheduled to work on October 6, 7, and 8, 2004. He was absent from work without notice to the employer on each day. He never contacted the employer afterward, and the employer considered the claimant to have abandoned his job.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code Section 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(4) 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 section 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 section 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant was absent from work on three consecutive workdays without notice to the employer in violation of the employer's work rules, which require employees to call in before the start of their shift if they were going to be late or absent. He never contacted the employer at all, and the employer was justified in concluding that the claimant had voluntarily quit employment. Under the unemployment insurance rules, the claimant is presumed to have quit without good cause. Since the claimant did not participate in the hearing, the evidence fails to establish that he had good cause to quit employment.

DECISION:

The unemployment insurance decision dated February 8, 2005, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/kjf