

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARA GOOSMANN
Claimant

APPEAL NO: 07A-UI-01706-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

**OC: 04-02-06 R: 01
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 8, 2007, reference 03, decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 14, 2007. The claimant provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Jacqueline Kurtz, Recruiter and April Allen, Team Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service representative I for Stream International from October 9, 2006 to January 25, 2007. The claimant was a no-call/no-show January 19, 20, 23 and 25, 2007, and the employer considered her to have voluntarily quit her job. Between December 9, 2006, and January 17, 2007, the claimant was absent full or partial days 12 times due to illness. She brought doctors' excuses for two of those days. The claimant was coached or counseled about her attendance January 11, January 13, January 17 and January 19, 2007. On January 18, 2007, the claimant was demoted to a support professional position and lost 50 cents per hour in pay because that is the employer's policy if a senior support professional receives a written warning. The claimant stopped showing up for work the following day.

The claimant has not claimed or received unemployment insurance benefits since her separation from this employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left 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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant might have had good cause to leave her employment because her absences were due to illness and she was demoted with a change in pay, she did not participate in the hearing and, consequently, did not meet her burden of proving that her leaving was for good cause attributable to the employer. Inasmuch as the claimant failed to report for work or notify the employer for three consecutively scheduled workdays in violation of the employer's policy, she is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are denied.

DECISION:

The February 8, 2007, reference 03, decision is reversed. The claimant voluntarily left employment without 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 benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css