

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANNON R ADAMS**

Claimant

**APPEAL NO. 11A-UI-01895-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KINSETH HOTEL CORPORATION**

Employer

**OC: 01-09-11**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 10, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on March 16, 2011. The claimant did participate. The employer did participate through Dave Davis, general manager, and was represented by Jackie Nolan of Employer's Unity.

**ISSUE:**

Did the claimant voluntarily quit her employment without 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 housekeeper, full-time, beginning July 12, 2010, through August 4, 2010, when she voluntarily quit. The claimant was a no-call, no-show for work on August 8, 9, and 10 in violation of the employer's policy. The claimant's allegation that Barb Johnson called her to tell her she was discharged on August 5 is simply not credible. Ms. Johnson did not have the authority to discharge any employee and did not discharge employees as part of her regular job duties. Only Mr. Davis had the authority to discharge any employee. The claimant simply stopped reporting for work, evidencing her intention to voluntarily quit.

**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 § 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 § 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 § 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.

Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. The administrative law judge is not persuaded that the claimant was told by Ms. Johnson or anyone else that she was discharged. The claimant voluntarily quit by failing to report for work for three consecutive workdays. Benefits are denied.

**DECISION:**

The February 10, 2011, reference 01, decision is affirmed. 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.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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