

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BLAKE R ROCKWELL**  
Claimant

**APPEAL NO. 09A-UI-14739-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAMILY DOLLAR SERVICES INC**  
Employer

**OC: 08/23/09**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Blake Rockwell (claimant) appealed a representative's September 23, 2009 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Family Dollar Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 29, 2009. The claimant participated personally. The employer participated by Leiah Douglas, Human Resources Manager. The employer offered and Exhibit One was received into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on February 23, 2009, as a full-time bulk order filler. The claimant signed for receipt of the employer's handbook on February 23, 2009. The employer requires employees to notify the employer of absences by one hour after the start of the shift. The employer has another policy which states that a person who is absent for three days without proper notification is considered to have voluntarily quit. The employer issued the claimant written warnings on June 9 and 24, 2009, for absenteeism. The employer notified the claimant that further infractions could result in termination from employment.

The claimant requested and was granted a medical leave of absence from July 2 through August 10, 2009. The claimant did not return to work. On August 13, 2009, the employer sent the claimant a certified letter indicating the policy of contacting the employer if he were unable to appear for work. The claimant signed for receipt of the letter on August 15, 2009. The letter gave of deadline of August 19, 2009, for calling the employer.

The employer sent the claimant another letter on August 24, 2009. The letter pointed out that the claimant left two voicemail messages after the August 19, 2009, deadline. The claimant had

not returned to work, provided any documentation needed to extend the medical leave of absence to August 11, 2009, or reported his daily absences. The employer assumed the claimant had quit work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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 for more than three days without giving notice to the employer. The employer has a rule that if the employee is absent without notice to the employer for three days the employee is deemed to have voluntarily quit. The claimant is deemed to have voluntarily quit based on his absence from work for more than three days without giving notice to the employer. There is no evidence of good cause attributable to the employer.

**DECISION:**

The representative's September 23, 2009 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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