

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANDA T HA**  
Claimant

**APPEAL NO. 14A-UI-02332-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRANSAMERICA LIFE INSURANCE**  
Employer

**OC: 01/19/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated February 10, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on April 14, 2014, by telephone conference call. The claimant participated personally. Employer participated by Fallon Murray, human resources generalist, and Julie Griffith supervisor over new business. The record consists of the testimony of Sanda Ha and the testimony of Fallon Murray.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a life insurance company and a part of the financial services industry. The claimant was hired on June 3, 2013, as a case representative in the new business department. She was a full-time employee. Her last day of actual work was December 4, 2013.

The claimant was a no call/no show on December 31, 2013; January 2, 2014; January 3, 2014; January 6, 2014; January 7, 2014; and January 8, 2014. The claimant decided to stay home with her son and no longer work. The employer has a written policy, of which the claimant was aware, that three consecutive days of no call/no show would be considered a voluntary quit.

**REASONING AND CONCLUSIONS OF LAW:**

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 is not eligible for unemployment insurance benefits. The evidence is uncontroverted that the claimant voluntarily quit her job in order to say home with her son. The claimant had six instances of no call/no show for consecutive work days. The employer has a policy that states that if an individual has three consecutive days of no call/no show, he or she is a voluntary quit. The claimant voluntarily quit her job without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated February 10, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefits amount, provided claimant is otherwise eligible.

---

Vicki L. Seeck  
Administrative Law Judge

---

Decision Dated and Mailed

vls/pjs