

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

TIMOTHY E VAN MERSBERGEN  
105 BROADWAY  
PELLA IA 50219

MANPOWER INC OF D M  
517 5<sup>TH</sup> AVE  
DES MOINES IA 50309

Appeal Number: 04A-UI-06097-SWT  
OC 04/18/04 R 02  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 21, 2004, reference 02, that concluded the claimant had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 24, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Kari Atzen participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant was assigned to work full time at American Wood Fiber from August 4, 2003 to February 13, 2004, and from March 19, 2004 to April 4, 2004. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer, not the client business, if they were not able to work as scheduled.

The claimant was absent from work on April 5, 6, and 7, 2004, without any notice to the employer. The claimant later called the manager at American Wood Fiber and said he was having domestic problems and his girlfriend had left him to care for their three-year-old child. The manager told him he was dismissed from his assignment. The claimant, however, never contacted the employer, and therefore abandoned his employment with the employer.

#### 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 employer, not American Wood Fiber employed the claimant. He did not contact the employer at all regarding his absences in violation of the employer's work rules. He is deemed to have quit employment.

#### DECISION:

The unemployment insurance decision dated May 21, 2004, reference 02, 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