

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHAWN M RANK**

Claimant

**APPEAL NO. 09A-UI-04570-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JENSEN BUILDERS LTD**

Employer

**Original Claim: 02/15/09**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated March 10, 2009, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 17, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Mick McBride participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a steel worker from December 26, 2006, to November 11, 2008. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled and would be considered to have quit employment after three days of absence without notice to the employer.

The claimant called in on November 12 and notified the employer that he would not be at work due to transportation problems. The claimant was absent from work without notice to the employer on November 13 and November 14. On November 14, the human resources director, Mick McBride, called and left a message for the claimant after his scheduled start time stating that if the claimant did not contact the employer that day, he would be considered to have quit employment. When the claimant received the message, he mistakenly assumed that his employment had been terminated and failed to contact the employer.

When the claimant was absent without notice again on November 17, the employer considered him to have voluntarily quit employment based on its policy.

**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.

The unemployment insurance rules state that a claimant absent for three days without giving notice to employer in violation of company rule is presumed to have quit employment without good cause attributable to the employer. 871 IAC 24.25(4). Based on the rule, the claimant is considered to have voluntarily quit his employment without good cause attributable to the employer. I believe McBride's testimony that the message that was left stated that the claimant needed to contact the employer or he would be considered to have quit.

**DECISION:**

The unemployment insurance decision dated March 10, 2009, 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw