

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REX A HELFRICH
Claimant

APPEAL NO. 06A-UI-09295-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**BROCKWAY MECHANICAL
AND ROOFING**
Employer

OC: 10/02/05 R: 03
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Rex Helfrich, filed an appeal from a decision dated September' 14, 2006, reference 04. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 3, 2006. The claimant participated on his own behalf and with a witness, James Ball. The employer, Brockway Mechanical and Roofing (Brockway), participated by Payroll Clerk Michelle Hall.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Rex Helfrich was employed by Brockway from May 1 until August 14, 2006. He was a full-time general laborer. At the time of hire he received a copy of the employee handbook which notified employees they will be considered a voluntary quit if they are three days no-call/no-show to work.

Mr. Helfrich had been working on one job since May 2006, and on August 9, 2006, Supervisor Matt Snyder informed him that job was ending. Another job was available in Ottumwa, Iowa, starting the next day, which the claimant agreed to do. He did not get directions to the job site, but drove around the city for three hours looking for any trucks with the employer's name on them. He returned home around noon but made no attempt to call the Brockway office to get the information he needed. Instead he returned to Ottumwa on August 11, 2006, and drove around some more looking for the trucks. Again he did not attempt to call the main office for directions, and then simply refused to return to work on Monday, August 14, 2006.

REASONING AND CONCLUSIONS OF LAW:

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 claimant was no-call/no-show to work for three days. He did not make any effort whatsoever to contact the employer to locate the job site, either before he went to Ottumwa or when he returned home after three hours of driving around the city. He did not make a diligent or good faith effort to appear for work. Under the provisions of the above Administrative Code section, three days no-call/no-show is a voluntary quit without good cause attributable to the employer.

DECISION:

The representative's decision of September 14, 2006, reference 04, is affirmed. Rex Helfrich is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs

