

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIN L MEANS

Claimant

APPEAL NO: 17A-UI-09224-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

XPAC

Employer

OC: 02/19/17

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 5, 2017, reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 27, 2017. The claimant participated in the hearing. Erin Hammond, Employee Relations Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time laborer for Xpac from July 7, 2017 to August 7, 2017. She was discharged for failing to call in and properly report her absences for three consecutive days in violation of the employer's policy.

Under the employer's policy, employees are required to call in to a recorded line to report their absences. A member of Human Resources takes the calls and puts them in the call registration log. Employee Relations Manager Erin Hammond then receives an email containing the voice mail call in. The employer's IT department monitors the lines, which receives 50 to 100 calls every day. Ms. Hammond also monitors the line. There were no problems reported with regard to the recorded line in July or August 2017.

The last day the claimant worked was July 13, 2017. The claimant had a Botox shot for migraines and experienced problems with her left eye as a result. She called in July 16, 2017, and stated she would not be in but had a doctor's note although she did not provide the note to the employer. She called in July 17, 2017, but did not have a doctor's note. She called in and reported her absences July 14 through July 20, 2017, and stated she had a doctor's note but did not provide that note to the employer. The claimant called in July 21 through August 2, 2017, and did not have a doctor's note. She did not call the employer August 3, August 6 or August 7, 2017, and the employer considered her to have voluntarily quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(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.

While the claimant maintains she called in August 3, 6 and 7, 2017, the employer has no record of any calls from the claimant on those dates and the employer was not experiencing problems with its recorded phone line in July or August 2017. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive work days in violation of the employer's policy, she is considered to have voluntarily left her employment without good cause attributable to the employer. Therefore, benefits are denied.

DECISION:

The September 5, 2017, reference 04, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn