

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNN A TURNER
Claimant

APPEAL NO. 13A-UI-02047-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMANA NORDSTROM INC
Employer

OC: 01/20/13
Claimant: Respondent (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Amana, filed an appeal from a decision dated February 14, 2013, reference 01. The decision allowed benefits to the claimant, Lynn Turner. After due notice was issued a hearing was held by telephone conference call on March 19, 2013. The claimant participated on her own behalf. The employer participated by General Manager Monica Carter and Executive Housekeeper Tina Stafford.

ISSUE:

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

FINDINGS OF FACT:

Lynn Turner was employed by Amana Nordstrom from February 7, 2005 until January 17, 2013 as a part-time housekeeper. The employer's attendance policy was received by the claimant at the time of hire. The employer considers one day of being no-call/no-show for a scheduled shift to be a voluntary quit.

Ms. Turner did not appear for work on January 17, 2013. She believed she had notified Executive Housekeeper Tina Stafford on January 16, 2013, when she was leaving for work that she would not be in the next day because she was ill, but Ms. Stafford denies getting any such information.

When Ms. Turner returned to work on January 18, 2013, she was told by General Manager Monica Carter she no longer had a job.

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 employer's policy may consider one day of being no-call/no-show to be a voluntary quit but Iowa Workforce Development is not bound by the policies of the employer in such cases. Iowa law requires there to be three days of no-call/no-show before a claimant may be considered to have quit without good cause attributable to the employer for purposes of being disqualified from receiving unemployment benefits. Ms. Turner was, at most, one day no-call/no-show which is not sufficient under Iowa law to disqualify her from receiving unemployment benefits.

DECISION:

The representative's decision of February 14, 2013, reference 01, is affirmed. Lynn Turner is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs