

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRAIG O ROEDEMA**  
Claimant

**APPEAL NO. 07A-UI-07809-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 07/15/07 R: 04  
Claimant: Respondent (2)**

Section 96.5(1) – Quit  
Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

The employer, Express Services, filed an appeal from a decision dated August 8, 2007, reference 01. The decision allowed benefits to the claimant, Craig Roedema. After due notice was issued, a hearing was held by telephone conference call on August 29, 2007. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Staffing Consultant Lisa Franzmeier.

**ISSUE:**

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

**FINDINGS OF FACT:**

Craig Roedema was employed by Express Services from April 24 until July 13, 2007. He was on a long-term assignment at Bloom Manufacturing. At the time of hire the claimant was informed of the absenteeism reporting policy. Any employee who is not going to appear for a scheduled shift must call the 24-hour attendance line at Express, and the telephone number is provided. The messages are checked daily at 7:00 a.m.

The claimant was no-call/no-show to Express on July 11, 2007, although he did notify the client company he had a flat tire and would be late, but he did not come to work at all that day. Staffing Consultant Lisa Franzmeier attempted to call him that day but was only able to leave a message. The message asked the claimant to call Express and also reminded him that in the event of an absence, he was to call Express, not the client company.

Mr. Roedema was no-call/no-show to both Bloom Manufacturing and Express on July 12, 2007, but again called the client company on July 13, 2007, to say he was sick. Ms. Franzmeier talked to the claimant later in the day and said if he had missed three days of work due to illness he needed a doctor's excuse but he never provided one.

Craig Roedema has received unemployment benefits since filing a claim with an effective date of July 15, 2007.

## 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 had been advised of the proper procedure to use in the event he was going to be absent for a scheduled shift. He failed to comply with these procedures for three days in a row. This means the absence was not properly reported, even though he was reminded of the procedure on the first day of absence. Even if the claimant was absent due to illness, it was not properly reported and cannot be considered excused. See Cosper v. IDJS, 321 N.W.2d 6 (Iowa 1982). Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of August 8, 2007, reference 01, is reversed. Craig Roedema is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$1,722.00.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css