

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL C GARNHART
Claimant

APPEAL NO. 08A-UI-08060-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

H & H TRAILER COMPANY
Employer

**OC: 07/06/08 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 29, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 24, 2008. Claimant participated with witness Bobbi Argo. Employer participated by Bill Gugenhan, Production Supervisor and Mike Kruse, Plant Manager.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 4, 2008. Claimant informed the employer that his grandfather had passed and he needed to go to Colorado for a funeral. Claimant said he would return by June 9, 2008. Claimant did not return as stated but missed an additional three days. Claimant returned to work on June 16, 2008 and found he had been replaced. Claimant did not call in on any of the missed days.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he did not call in to report his absences for three days in a row. Claimant had an obligation to inform the employer of his availability for work. Claimant did not call in one time during the extended time he was off. The failure to give proper notice to employer results in a holding that the last three absences are unexcused. Absenteeism due to a funeral is generally excusable. Here claimant failed to inform employer of the need to be off. This is a quit without cause attributable to employer. Benefits withheld.

Iowa Code section 96.5-1-f 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. But the individual shall not be disqualified if the department finds that:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

DECISION:

The decision of the representative dated August 29, 2008, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css