

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CHRISTA L BLUML
24260 NELSON AVE #45
FT DODGE IA 50501-8771

ELECTROLUX HOME PRODUCTS INC
FRIGIDAIRE
c/o TALX UC EXPRESS
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-03174-AT
OC: 02/19/06 R: 01
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quitting
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Electrolux Home Products, Inc., filed a timely appeal from an unemployment insurance decision dated March 6, 2006, reference 01, which allowed benefits to Christa L. Bluml. After due notice was issued, a telephone hearing was held on April 3, 2006, with Human Resources Generalist Mallory Russell participating for the employer. Although Ms. Bluml provided a telephone number at which she could be contacted, that number was answered by a recording at the time of the hearing. There was no contact from the claimant while the hearing was in progress. The administrative law judge takes official notice of agency benefit payment records.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Christa L. Bluml worked as an advanced operator for Electrolux Home Products, Inc., from September 6, 2005 until September 9, 2005. She left work early on February 2, 2006. She was then absent without contact on February 3, 6, 7, 8 and 9. Company policy provides that three days of absence without contact is considered a voluntary quit. The company's call-in line is open 24 hours a day. The Human Resources Department is staffed from 5:30 in the morning until 6:00 in the evening. Ms. Bluml has not provided the employer with an explanation for her absences. She has received unemployment insurance benefits since filing a claim effective February 19, 2006.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the separation was an event which disqualifies the claimant for benefits. It was.

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.

Three days of absence without contact in violation of a company rule is presumed to be a quit without good cause attributable to the employer. See 871 IAC 24.25(4). The evidence in the record establishes that Ms. Bluml became unemployed under such circumstances. Therefore, benefits must be withheld.

Ms. Bluml has received unemployment insurance benefits to which she was not entitled. They must be recovered in accordance with the provisions of Iowa Code section 96.3-7.

DECISION:

The unemployment insurance decision dated March 6, 2006, reference 01, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. She has been overpaid by \$1,037.00.

cs/pjs