

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ARDO W ABARKHADLE**  
Claimant

**APPEAL NO. 14A-UI-08264-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AGRI STAR MEAT & POULTRY LLC**  
Employer

**OC: 07/20/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 7, 2014, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was held on September 16, 2014. The claimant did participate with the assistance of interpreter, Ibrahim Abukar. The employer did participate through Laura Rooney.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a general production laborer beginning on July 16, 2013 through July 16, 2014. The claimant's regular work schedule was Sunday through Thursday. The claimant had missed work due to her son's illness and her mother's death. She was suspended for one day on June 26, 2014 due to her failure to return from her breaks on time. She was not scheduled to work on June 27 and 28. The claimant called in absent on June 29, 30 and July 1, 2 as she reported that her mother had died. July 3 she did not call in to report her absences nor did she report for work. She was not scheduled to work July 4 or 5. On July 6 she reported to work and indicated she would not be able to stay to work as she had problems. The employer offered her FMLA paperwork which she refused. On July 7 the claimant called in and reported she could not work. She was a no-call/no-show for work on July 8 and 9. On July 10 she called in and reported she could not work. The claimant was then a no-call/no-show for her regularly scheduled work shifts on July 13, 14 and 16. The claimant had been given a copy of the employer's attendance policy which put her on notice that three days of no-call/no-show would be considered a voluntary quit.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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.

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 § 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 § 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.

Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The August 7, 2014, reference 01, decision is affirmed. The claimant voluntarily left 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.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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