

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MONICA R CLINE**  
Claimant

**APPEAL NO. 07A-UI-11330-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**  
Employer

**OC: 11/04/07 R: 03**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Cargill Meat Solutions Corporation filed a timely appeal from an unemployment insurance decision dated November 29, 2007, reference 01, that allowed benefits to Monica R. Cline. After due notice was issued, a telephone hearing was held December 27, 2007, with Human Resources Associate Lori Elliott participating for the employer. Ms. Cline did not provide a telephone number where she could be contacted.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

Has the claimant been overpaid?

**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: Monica R. Cline was hired by Cargill Meat Solutions Corporation on November 28, 2006. In early October 2006, she was working full-time in production. Ms. Cline was absent without contact on October 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 29, and 30, 2007. The employer has a policy which provides that three days of absence without contact is considered a voluntary quit. On November 1, 2007, the employer processed Ms. Cline's separation from employment as a quit.

Ms. Cline filed a claim for unemployment insurance benefits during the week of November 4, 2007. She has received unemployment insurance benefits since that time.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.5-1. A provision of the Iowa Administrative Code found 871 IAC 24.25(4) provides that an individual absent for three days without notice to the employer in violation of a company rule is presumed to have left work without good cause attributable to the employer. The evidence persuades the administrative law judge that the claimant became unemployed under circumstances contemplated by the rule. Benefits must be withheld.

The claimant has received unemployment insurance benefits to which she is not entitled, they must be recovered in accordance with the provisions of Iowa Code section 96.3-7.

**DECISION:**

The unemployment insurance decision dated November 29, 2007, 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 \$1,505.00.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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