

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREG J YODER
Claimant

APPEAL NO. 13A-UI-03964-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRO RESOURCES INC
Employer

OC: 02/24/13
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Greg Yoder, filed an appeal from a decision dated March 28, 2013, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 8, 2013. The claimant participated on his own behalf. The employer, Pro Resources, participated by Administrator Ashley Greene.

ISSUE:

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

FINDINGS OF FACT:

Greg Yoder was employed by Pro Resources from November 11, 2012 until February 19, 2013. He was assigned during this time at Ashley Industrial Molding. At the time of hire the claimant was provided with an employee handbook. The attendance policy requires employees to notify both Pro Resources and the client company if they are going to be absent for a scheduled shift. It also states being no-call/no-show to work is considered a voluntary quit.

Mr. Yoder's last day of work was February 15, 2013, and he was no-call/no-show to work February 16, 17, and 18, 2013. He did not call in because all he had was a cell phone and he does not get a signal at his residence. On February 16, 2013, he had gone to the doctor for a minor medical procedure and had expected the doctor's office to fax in a statement to Pro Resources excusing him from work.

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 is considered a voluntary quit by operation of law under the provisions of the above Administrative Code section by being no-call/no-show to work for three days. Mr. Yoder did not call in as required because he had not made any arrangements to overcome the fact he had only a cell phone which did not get a signal at his residence. He could have notified the employer of the situation while he was at the doctor's office and had a signal, but did not do so.

The record establishes the claimant is a voluntary quit without good cause attributable to the employer. He is disqualified.

DECISION:

The representative's decision of March 28, 2013, reference 01, is affirmed. Greg Yoder is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs