

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORA B TOTT
Claimant

APPEAL NO. 10A-UI-13294-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 03/14/10
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Stream International, Inc. filed a timely appeal from an unemployment insurance decision dated September 15, 2010, reference 04, that allowed benefits to Cora B. Tott. After due notice was issued, a telephone hearing was held November 30, 2010 with Human Resources Generalist Stacy Albert and Team Manager Linda Carr participating for the employer. Exhibit One was admitted into evidence. Although the claimant provided a telephone number at which she could be contacted, the number was answered by a recording at the time of the hearing. The administrative law judge left instructions for the claimant to call if she wished to participate. There was no further contact from the claimant. The administrative law judge takes official notice of agency benefit payment records.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Cora B. Tott was employed as a customer support professional by Stream International Inc. from May 3, 2010 until August 23, 2010. Ms. Tott was absent without contact on August 19, 20, 21, 22, and 23, 2010. Team Manager Linda Carr tried without success to contact Ms. Tott on August 19 and 20. Human Resources Generalist Stacy Albert called Ms. Tott again on August 23, 2010. She left a message asking that Ms. Tott return her call. There was no further contact from the claimant.

Ms. Tott has received no benefits since filing an additional claim for unemployment insurance benefits effective August 22, 2010.

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 96.6-2. As noted above, the claimant did not participate in the hearing on November 30, 2010. The evidence in the record persuades the administrative law judge that Ms. Tott abandoned her employment by failing to report to work or contacting the employer to explain her absences. Benefits are withheld.

DECISION:

The unemployment insurance decision dated September 15, 2010, reference 04, 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.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs