

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE D DEPYPER
Claimant

APPEAL NO. 11A-UI-09309-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

POLARIS INDUSTRIES MANUF LLC
Employer

**OC: 06/12/11
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 6, 2011, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 5, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Kim Phillips participated in the hearing on behalf of the employer with a witness, Janice Bates.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time for the employer as a team lead from July 2010 to May 26, 2011. He was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled and would be considered to have quit employment after two days of absence without notice.

The claimant was scheduled to work at 6:00 a.m. on May 27. He sent a text message to a supervisor that he was going to the emergency room because he had a migraine headache. He said he would try to come in later but failed to report to work that day.

The claimant's next day of work was May 30. He sent a text message to a supervisor requesting two days off to move into a house. The time off was granted. He was scheduled to return to work on June 1. He was absent from work without proper notice on June 1 and June 2.

Late in the afternoon on June 2, the claimant spoke to human resources generalist, Kim Phillips. He told Phillips about personal problems he was having with his ex-girlfriend, who is also the mother of his children. Phillips granted him time off until June 13, but instructed him to contact his supervisor on June 6 to update her in regard to his status. The claimant had no further contact with the employer, and the employer considered him to have voluntarily left employment

due to his failure to report back to work after his leave of absence and failure to notify the employer.

The claimant did not return back to work because he believed the employer had provided personal information and information about his whereabouts to his ex-girlfriend. A female did call the office asking about the claimant but was told that he was no longer employed. No other information was provided to the caller.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1 and 96.5-2-a.

The unemployment insurance rules state that a claimant absent for three days without giving notice to employer in violation of company rule is presumed to have quit employment without good cause attributable to the employer. 871 IAC 24.25(4). The rule applies in this case because the claimant stopped reporting to work and did not contact the employer regarding his final absences.

The reason for the claimant's leaving employment does not meet the standard of good cause attributable to the employer. The claimant believed the employer had improperly disclosed private information to his ex-girlfriend. The belief was mistaken.

DECISION:

The unemployment insurance decision dated July 6, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs