

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ETTA M CARSON**  
Claimant

**APPEAL NO. 14A-UI-05913-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BOSTON WINDOW CLEANING INC  
THE MILLARD GROUP**  
Employer

**OC: 05/18/14  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated June 4, 2014, reference 01, which denied unemployment insurance benefits finding that the claimant voluntarily quit work by failing to report for work or notify the employer of the reason for three days in a row. After due notice was provided, a telephone hearing was held on July 1, 2014. The claimant participated. Although duly notified, the employer did not participate.

**ISSUE:**

At issue is whether the claimant voluntarily quit employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all the evidence in the record, the administrative law judge finds: Etta Carson was employed by Boston Window Cleaning, Inc. from June 2013 until January 25, 2014. Ms. Carson was employed as a full-time maintenance/cleaner and was paid by the hour. Her immediate supervisor was Tracy (last name unknown).

Ms. Carson was separated from her employment with Boston Window Cleaning, Inc. on January 25, 2014 after the claimant had failed to report to work for three or more consecutive days in a row and did not provide any notice to the employer of her reason for her absences. Ms. Carson was aware that the employer expected notification from employees about why they were absent each day, as she had been specifically warned by her employer to provide notification.

Ms. Carson was unexpected hospitalized during the week preceding January 25, 2014. The claimant did not notify her employer of the reasons for her absences because her cell phone was out of minutes and there was no telephone located in the hospital room that she had been assigned to. Although the claimant's adult daughter visited her in the hospital on her first day of hospitalization, Ms. Carson did not request her daughter to notify the employer of the reasons

for the claimant's absences, although Ms. Carson had been previously warned by the employer to do so.

After being released from hospitalization, Ms. Carson did not attempt to return to the employer because she concluded that she had been separated from employment because she had not called in as required by company policy in the previous warnings that had been given to her.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

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 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.

An employer is entitled to expect its employees to report for work as scheduled or to be notified when and why the employee is unable to report to work. As much as the claimant failed to report to work or notify the employer for three consecutive workdays in violation of the employer's policy and the specific warnings that had been given to her, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. The claimant had the opportunity to have a family member notify her employer of the reasons for her absences but did not do so. Benefits are withheld.

**DECISION:**

The representative's decision dated June 4, 2014, reference 01, is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided that she is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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