

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROBERT WATSON
Claimant

WINNEBAGO INDUSTRIES
Employer

APPEAL NO. 18A-UI-12051-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/25/18
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 10, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 4, 2019. Claimant participated. Employer participated by Susan Gardner, David Midtgaard, and Colleen Bagley. Employer's Exhibits 1-2 and Claimant's Exhibit A were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 15, 2018. Claimant was deemed to have voluntarily quit his employment when he was a no-call/no-show for employment on October 17-19, 2018. Claimant admitted not calling into the call off line for work during those days even though he knew the procedures to do so.

Claimant had difficulties which had caused him to miss some days of work. Employer worked with claimant and allowed him to take a couple of days off work in early October, as claimant had a breakdown at work. Claimant came back to work the next week and worked through that week and the next Monday. Then claimant asked for the next day off for a legal matter. Employer explained that claimant would not have the day off excused as he wasn't being subpoenaed into court. Claimant then did not return to work for any of the next three days and did not call off of work. Employer dismissed claimant as a result of employer's policy that three days of no-call/no-show equating to a voluntary quit.

Claimant stated that he felt harassed by employer. He stated after he missed the time from work in early October, employer had asked claimant's co-workers if they were comfortable working with claimant.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship as he went for three days without calling or reporting into work.

Claimant did not prove that his quit was for good cause attributable to employer as it was reasonable for employer to explore the issue behind claimant's breakdown at work. Employer was looking out for the safety and well-being of claimant and his co-workers by asking if all co-workers were comfortable. This alone does not constitute a good cause reason for claimant's quit.

DECISION:

The decision of the representative dated December 10, 2018, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn