

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLIE C STROUD
Claimant

A-TEC RECYCLING INC
Employer

APPEAL NO: 13A-UI-02953-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/03/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 28, 2013, reference 01, that held he voluntarily quit without good cause attributable to the employer on January 28, 2013, and benefits are denied. A telephone hearing was held on April 9, 2013. The claimant did not participate. Larry Young, President, and Mike Seiler, Supervisor, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time warehouse laborer from April 2012 to January 28, 2013. The claimant knew it was employer policy to call-in or come-in to check on available work each day. The policy further states an employee is absent two (2) consecutive workdays without providing any notification will be considered to have resigned.

The claimant was a no call no show to work from January 29 through January 31. When he went to work to get his final paycheck on February 1 he offered no explanation for his absence period.

Claimant was not available when called at the telephone he provided for the hearing.

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment on January 28, 2013.

The claimant was absent without notification that is considered a resignation and voluntary quit due to job abandonment.

DECISION:

The department decision dated February 28, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on January 28, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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