

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD C BARTH
Claimant

APPEAL NO. 17A-UI-07811-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELLIOTT AUTO SUPPLY COMPANY INC
Employer

**OC: 06/25/17
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Richard Barth (claimant) appealed a representative's July 27, 2017, decision (reference 05) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Elliott Auto Supply Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 18, 2017. The claimant participated personally. The employer participated by Jenny Fleigle, Human Resources Specialist.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 10, 2016, as a full-time delivery specialist. The claimant signed for receipt of the employer's handbook on March 10, 2016. On April 11, 2016, the claimant suffered a work-related injury and was scheduled for hernia surgery on April 28, 2016.

On April 20, 2016, the claimant was supposed to go to a doctor's appointment in the morning and work in the afternoon. The claimant did not appear for work or notify the employer of his absence. On April 21, 2016, the claimant properly reported his absence due to the death of his stepmother.

On April 22, 25, 26, and 27, 2016, the claimant did not appear for work and did not call to inform the employer of the reason for the failure to appear for work. The employer has a policy that an employee will be considered to have quit if the employee is absent for three days without giving notice to the employer. The claimant was considered to have quit on April 27, 2017, for failing to appear for work without notice for three days.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds the claimant voluntarily quit work without good cause attributable to the employer.

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 claimant was absent from work for more than three days without giving notice to the employer. The employer has a rule that if the employee is absent without notice to the employer for three days the employee is deemed to have voluntarily quit. The claimant is deemed to have voluntarily quit based on his absence from work for more than three days without giving notice to the employer. There is no evidence of good cause attributable to the employer.

DECISION:

The representative's July 27, 2017, decision (reference 05) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs