

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BENJAMIN F ODELL III**  
Claimant

**APPEAL NO. 10A-UI-17693-M2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JESSICA KOENIG**  
**CNE LTD**  
Employer

**OC: 11/29/09**  
**Claimant: Appellant (5)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(4) – Three-day no-call/no-show

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated December 20, 2010, reference 04, which held claimant ineligible for unemployment insurance benefits due to a discharge for misconduct. After due notice, a telephone conference hearing was scheduled for and held on February 8, 2011. Claimant did not participate having failed to be available at the telephone number he provided. Employer participated by Jessica Koenig.

**ISSUES:**

The issues in this matter are whether claimant quit for good cause attributable to employer, or was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was scheduled for work on November 27, 2010, at 8:00 a.m., but was a no-call/no-show and never contacted the employer again. The claimant was a no-call/no-show for three days in violation of company rule. That is a quit without good cause attributable to the employer.

**REASONING AND CONCLUSIONS OF LAW:**

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 because he was a three-day no-call/no-show in violation of a company rule.

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.

**DECISION:**

The decision of the representative dated December 20, 2010, reference 04, is modified with no effect on benefits. 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.

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Stan McElderry  
Administrative Law Judge

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Decision Dated and Mailed

srm/css