

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JONATHON R STEFFEN
Claimant

APPEAL NO. 07A-UI-10355-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

**OC: 10/07/07 R: 01
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jonathon Steffen filed an appeal from a representative's decision dated November 2, 2007, reference 01, which denied benefits based on his separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on November 27, 2007. Mr. Steffen participated personally. The employer participated by Will Sager, Human Resources Manager, and Pam Fiedler, RN/Nurse Manager.

ISSUE:

At issue in this matter is whether Mr. Steffen was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Steffen began his employment with Tyson on December 19, 2006 as a full-time production worker. He was on a medical leave of absence as of July 19, 2007 due to a condition that was not work-related. The employer received periodic doctor's notes concerning his condition. The employer received a release for Mr. Steffen to return to work without restrictions on September 25. The release was received on September 25.

Mr. Steffen reported to work on September 25 but was only there for approximately 35 minutes. The employer did not hear further from him until October 9 when he brought in another doctor's statement from his specialist releasing him to work without restrictions. He no longer had employment at that point as the employer presumed he had quit since he had not been at work and had not made contact since September 25.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Steffen abandoned his job when he failed to report for work or contact the employer for a period of two weeks. The employer had a doctor's excuse that released him to work without restrictions on September 25. Even if he was told he

needed another doctor's excuse in order to work, he still had an obligation to contact his employer each day to give notice of his intended absences. Without contact from Mr. Steffen, the employer had no way of knowing from day to day when he might return. His supervisor had no way of knowing when or if he might return. The failure to contact one's employer for a period of two weeks is sufficient to establish a voluntary quit.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any cause attributable to Tyson for Mr. Steffen's separation. Accordingly, benefits are denied. Even if the administrative law judge were to conclude that Mr. Steffen was discharged, he still would not be entitled to benefits. The absences between September 25 and October 9 would constitute unexcused absences because they were not properly reported. Two week's of unexcused absenteeism would be sufficient to establish excessive unexcused absenteeism, which is a substantial disregard of the standards an employer has the right to expect. As such, Mr. Steffen would be disqualified from job insurance benefits even if he had been discharged.

DECISION:

The representative's decision dated November 2, 2007, reference 01, is hereby affirmed. Mr. Steffen left his employment with Tyson for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css