

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on June 29, 2005 as a full-time welder working daytime hours. The claimant received a copy of the employer's handbook and signed for its receipt on June 29, 2005. An employee must report his absence directly to his supervisor within one hour of the start of his shift. If his supervisor is not available, the employee must speak directly to someone in the Human Resources Department. The employer has a policy that an employee will be considered to have quit if the employee is absent for three consecutive days without giving notice to the employer.

On September 6, 2005, at 9:25 a.m., the employer sent the claimant home to get his required steel-toed footwear. The claimant did not return to work or notify the employer of his absence. The claimant left Iowa for Minnesota because his niece was in a car accident. On September 7, 2005, the claimant left a message for his supervisor that he would be absent for the remainder of the week because of a family emergency. The claimant left the same message on September 8, 2005. The claimant did not appear for work or notify the employer of his absence on September 9, 2005. On September 10, 2005, the claimant notified the employer he was absent due to a family emergency.

On September 12, 13, and 14, 2005, the claimant did not appear for work and did not call to inform the employer of the reason for his failure to appear for work. The claimant was considered to have quit on September 14, 2005, for failing to appear for work without notice for three days.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

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 claimant was absent from work for 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 three days without giving notice to the employer. There is no evidence of good cause attributable to the employer.

DECISION:

The representative's October 6, 2005 decision (reference 01) is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount provided he is otherwise eligible.

bas/kjw