

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ADRIANA CHAVARRIA**  
Claimant

**SWIFT PORK COMPANY**  
Employer

**APPEAL 17A-UI-01165-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/08/17  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Adriana Chavarria (claimant) filed an appeal from the January 27, 2017 (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her position with Swift Pork Company (employer) after three consecutive no-call/no-show absences. The parties were properly notified about the hearing. A telephone hearing was held on February 22, 2017. The claimant participated personally. The employer participated through Assistant Human Resource Manager Elizabeth Tellez. The hearing was interpreted by Ashika (employee number 9613) and Kanould (employee number 9733) from CTS Language Link. No exhibits were offered or admitted into the record.

**ISSUE:**

Did the claimant voluntarily leave the employment with good cause attributable to the employer or did the employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Laborer beginning on January 30, 2008, and her last day worked was December 3, 2016. The claimant had requested and was approved for a two-week vacation during which she traveled to Mexico. She was to return to work on December 19, 2016. However, on December 18, 2016, the claimant's father who lives in Mexico had surgery. The claimant did not notify the employer she would not return on December 19, 2016 as she did not have the employer's phone number with her.

On December 29, 2016, the employer determined that, per its policy, the claimant had resigned her position because she missed work without notifying the employer of her absences on December 27, 28, and 29, 2016. On January 9, 2017, when the claimant returned from her trip and went to the employer's facility, she learned that she was no longer employed

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not discharged from employment but voluntarily quit without good cause attributable to the employer. Benefits are denied.

Iowa law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). An employee who is absent for three days without notice to the employer is presumed to have voluntarily quit without good cause attributable to the employer. Iowa Admin. Code r. 871-24.25(4).

An employer is entitled to expect its employees to report to work as scheduled or to be notified when and why the employee is unable to report to work. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The January 27, 2017 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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