

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT D FORKNER
Claimant

PEOPLE 360 LLC
Employer

APPEAL 18A-UI-03530-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/04/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 6, 2018 (reference 03) unemployment insurance decision that found the claimant was not eligible for benefits. The parties were properly notified of the hearing. A telephone hearing was held on April 25, 2018. The claimant, Robert D. Forkner, participated personally. The employer, People 360 LLC, participated through witness Justin Gobel.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a temporary employment firm and claimant was a temporary employee. Claimant began working for this employer on June 19, 2017. Claimant was placed at Spectra – Iowa Events Center (“Spectra”) for a one-day job on January 22, 2018. On January 22, 2018, before going to the Spectra job, claimant spoke with Mr. Gobel about another job assignment that was scheduled to begin on January 23, 2018 at Lineage Logistics (“Lineage”). Claimant accepted the assignment at Lineage and was to report for that assignment on January 23, 2018. The position at Lineage was a full-time position with an undetermined end date. Claimant did not report to Lineage on January 23, 2018, January 24, 2018 or January 25, 2018. Claimant never contacted the employer to report his absences or state why he was unable to report to Lineage.

Employer has a written policy that states, “No call no show. Missing a scheduled work day and failing to call or notify People 360 of your absence is the same as quitting your job. You will no longer be employed at People 360.” Claimant received a copy of this written policy on July 21, 2017. Claimant was considered to have voluntarily quit his job pursuant to the employer’s written policy. There was work available to claimant if he had not voluntarily quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §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.

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.

In this case, claimant had an intention to quit and carried out that intention by failing to come to work or notify the employer of his absences on January 23, 2018, January 24, 2018, and January 25, 2018. Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). There was no reason given by the claimant for him voluntarily quitting his employment. As such, claimant's leaving the employment was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The March 6, 2018 (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily quit work without good cause attributable to the employer. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs