

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMIR M AGHAEI
Claimant

APPEAL NO. 13A-UI-09531-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

OC: 07/28/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated August 16, 2013, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on September 24, 2013. The claimant participated. The employer participated by Mr. Gary McCarthy, Personnel Supervisor. Employer's Exhibits A and B were received into evidence.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Amir Aghaei was employed by Winnebago Industries from October 22, 2012 until July 12, 2013 when he was considered to have voluntarily left his employment by failing to report for work or provide required notification to the employer for three or more consecutive workdays. Mr. Aghaei was employed as a full-time assembler working on the company's day shift and was paid by the hour. His immediate supervisor was Steve Howell.

Mr. Aghaei last reported for work on July 9, 2013. Although the employer's policy required employees to notify the employer of any absences each day, the claimant did not report for work nor notify the employer of his impending absences on July 10, 11 and 12, 2013. Employees are required to call a specific number to the company's automated telephone line to report any impending absences within one hour of the time that their shift was to begin. Mr. Aghaei was aware of the policy and had signed an acknowledgment that he had received the policy.

Mr. Aghaei attempted to return to work on July 16, 2013. The claimant was told at that time that he was considered to have voluntarily quit his employment by failing to report or provide notification. Mr. Aghaei did not dispute the allegation or request an application for re-employment. Although Mr. Aghaei obtained a doctor's note verifying that he had been suffering from anxiety for the period in question, the claimant could not testify with any certainty that he had initially called in or reported that he would be absent on the days in question.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2).

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

DECISION:

The representative's decision dated August 16, 2013, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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