

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WENDY A FREEMAN**  
Claimant

**APPEAL NO. 09A-UI-03558-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FIRST ADVANTAGE MEMBERSHIP  
SERVICES INC**  
Employer

**OC: 02/08/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 2, 2009, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 31, 2009. Claimant participated. Employer participated by Chad Bennett, Human Resource Director; Michelle Basile, Call Center Manager; and Michelle Tredway, Assistant Call Center Manager.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 30, 2009. Claimant missed three days of work in a row, February 2, 2009, February 3, 2009 and February 4, 2009. Claimant did not call in the first two days and called in late on the third day. Employer's policy deems three consecutive no-call absences as a voluntary quit. Claimant missed work due to lack of transportation. It is claimant's responsibility to provide transportation to and from work.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she abandoned her job by missing three days of work in a row in violation of policy. The failure to report an absence makes it unexcused. Lack of transportation is not good cause to miss work. This is a quit without good cause attributable to employer. Benefit withheld.

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.

**DECISION:**

The decision of the representative dated March 2, 2009, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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