

beginning December 3, 2004, in violation of the employer's policy. The claimant did not contact Manpower again until May 20, 2005, at which time he was told it could no longer provide him with any work because of his attendance record. The claimant's first assignment for Manpower was a long-term assignment at Ryko. That assignment began October 21, 2004 and ended November 24, 2004, after the client asked that he be removed because of poor attendance.

The claimant has not received unemployment insurance benefits since his separation from this employer.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

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. Additionally, the claimant did not contact the employer and notify it of his availability until May 20, 2005, more than five months after the end of his last assignment. Consequently, the administrative law judge concludes the claimant left his employment without good cause attributable to the employer. Benefits are denied.

#### DECISION:

The August 25, 2005, reference 03, decision is reversed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

je/kjw