

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHANEL R PARSLEY**  
Claimant

**TYSON**  
Employer

**APPEAL 17A-UI-05232-CL-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 04/09/17**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 16, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 6, 2017. Claimant participated. Employer participated through human resource manager Yaneli Roque.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did 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: Claimant began working for employer on April 5, 2016. Claimant last worked as a full-time apple boner. Claimant was separated from employment on March 24, 2017, when she voluntarily abandoned the job.

Employer has an attendance policy stating employees will be terminated after accruing 14 attendance points. The policy also states that after five consecutive no-call/no-show absences an employee will be considered to have abandoned the job. Employees are required to report absences by calling a hotline. The number for the hotline is located on the back of employees' name badges. Claimant was aware of the policy.

Claimant was absent from work on Thursday, March 16, Monday, March 20, 2017, Tuesday, March 21, 2017, Wednesday, March 22, 2017, and Thursday, March 23, 2017. Claimant was absent due to transportation issues and did not report her absences. On Friday, March 24, 2017, claimant came in to work to learn whether she was still employed. On March 27, 2017, claimant was informed her employment ended due to job abandonment.

## **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 §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.

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 withheld.

**DECISION:**

The May 16, 2017, (reference 01) decision is affirmed. The claimant voluntarily left 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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Decision Dated and Mailed

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