

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIEGO C BELL

Claimant

APPEAL NO. 12A-UI-06596-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMBRANDT ENTERPRISES INC

Employer

OC: 05/13/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Diego C. Bell filed a timely appeal from an unemployment insurance decision dated June 5, 2012, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held June 27, 2012, with Mr. Bell participating. Sandra Bell was also on the line but was not called to testify. Human Resources Manager Sally Brecher and Recruiter Coordinator Velia Caceres participated for the employer, Rembrandt Enterprises, Inc. Exhibit 1 was admitted into evidence.

ISSUE:

Was the separation from employment a disqualifying event?

FINDINGS OF FACT:

Diego C. Bell was hired by Rembrandt Enterprises, Inc. on or about April 11, 2011. He last worked as a CIP/SIP technician. Mr. Bell was scheduled to work on April 27, 28, 29, and 30, and May 2, 3, and 4, 2012. He did not work on those days because he lacked transportation. He did not contact his supervisor or manager concerning these absences. On some of the days, he contacted his lead worker. He had received prior discipline for attendance violations. A warning on March 22, 2012, reminded Mr. Bell that he was to call his supervisor in case of absence. The employer has a policy that provides that three days of absence without contact is considered to be a quit.

REASONING AND CONCLUSIONS OF LAW:

Whether the separation is viewed as a quit or as a discharge, the separation was a disqualifying event. A provision of the Iowa Administrative Code, 871 IAC 24.25(4) provides that three days of absence without contact is presumed to be a quit without cause attributable to the employer. Mr. Bell's testimony establishes that he did not contact the company for at least the latter three days prior to his separation from employment. A provision of the Iowa Administrative Code found at 871 IAC 24.32(7) provides that an individual is disqualified for benefits if the individual is discharged for excessive unexcused absenteeism. The evidence establishes that Mr. Bell

was absent on six consecutive workdays because of a lack of transportation. This is a matter of personal responsibility. If the separation were to be viewed as a discharge, Mr. Bell would be disqualified for benefits because of excessive unexcused absenteeism.

DECISION:

The unemployment insurance decision dated June 5, 2012, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw