

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JAMES T REENTS
214 W MAIN ST
CLARINDA IA 51632-2157

PELLA CORPORATION
c/o TALX EMPLOYER SERVICES
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-02553-CT
OC: 02/05/06 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

James Reents filed an appeal from a representative's decision dated February 23, 2006, reference 01, which denied benefits based on his separation from Pella Corporation. After due notice was issued, a hearing was held by telephone on March 22, 2006. Mr. Reents participated personally. The employer participated by Danny Robertson, Production Facilitator; John Smith, Human Resources Representative; and Ryan Farnsworth, Department Manager. The employer was represented by Richard Carter of Talx Employer Services.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Reents began working for Pella Corporation on September 23, 2003 and last worked on January 31, 2006. He was employed full time as a machine operator. On January 31, the supervisor questioned Mr. Reents concerning the time he had left work the day prior. He acknowledged that he had left before the end of his shift. He also told the supervisor that he would be discharged if he received another corrective action letter. The supervisor was vague as to whether Mr. Reents would be written up as a result of leaving early on January 30. When he left work on January 31, Mr. Reents had not been told that he was discharged or that he was being written up for leaving early.

Mr. Reents did not report for work on February 1 but did have a friend call and notify the employer that he would be absent. He was scheduled off on February 2 and 3. His next scheduled work day was February 6. Mr. Reents did not report for work and neither he nor anyone acting on his behalf contacted the employer on February 6, 7, 8, or 9. When he called on February 10, he was advised that he no longer had employment because he had been absent without notice for three days.

Pella Corporation's employees are allowed two "Class II" corrective action letters within a two-year period. The second letter results in a recommendation for termination, not automatic termination. On February 6, the employer determined that Mr. Reents' conduct in leaving early on January 30 would result in a corrective action letter. However, no decision had been made regarding his continued employment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Reents was separated from employment for any disqualifying reason. The administrative law judge concludes that he quit his employment when he failed to report for work without notice for four consecutive days, February 6 through 9. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Reents did not return to work after the date on which the supervisor spoke with him about leaving work early. Although he had not been formally disciplined when he left on January 31, he anticipated that he would be. An individual who leaves work after being reprimanded is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(28).

Even if the administrative law judge were to conclude that Mr. Reents was discharged, he still would not be entitled to job insurance benefits. He was absent from four consecutive shifts without notice to the employer. The evidence does not establish any good reason for the failure to give notice of the absences. All four days constituted unexcused absences as they were not properly reported. Four consecutive unexcused absences would be sufficient to establish a substantial disregard of the employer's standards. Accordingly, disqualifying misconduct would be established and benefits denied.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that the employer has satisfied its burden of proving that Mr. Reents should be disqualified from receiving job insurance benefits.

DECISION:

The representative's decision dated February 23, 2006, reference 01, is hereby affirmed. Mr. Reents quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/tjc