

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ELIZABETH A HUMBLE**  
Claimant

**TMONE LLC**  
Employer

**APPEAL 15A-UI-07826-DGT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/14/15**  
**Claimant: Respondent (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated July 2, 2015, (reference 02) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 11, 2015. Employer participated by Vatrice Moore, Human Resources Generalist. Claimant failed to respond to the hearing notice and did not participate.

**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 February 15, 2014. Claimant failed to call in to work or show up at work on January 28, 2014, January 29, 2014, and January 30, 2014. She was scheduled to work for each of those days.

Employer has a three-day no-call/no-show policy that puts employees on notice that missing work and not calling in for work for three consecutive scheduled days constitutes a voluntary quit from employment.

After the claimant missed three days of work employer tried to contact her until February 15, 2014. After exhausting every possible way of contacting her the decision was made to end her employment at that time.

**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 by failing to call into work or show up for work for three consecutive scheduled shifts.

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 § 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 § 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 decision of the representative dated July 2, 2015, (reference 02) is reversed. 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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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/css