

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON A WILLIAMS
Claimant

APPEAL NO. 10A-UI-11261-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAFFING PROFESSIONALS LLC
Employer

OC: 06/20/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 28, 2010, reference 01, that held he voluntarily quit without good cause attributable to his employer on June 18, 2010, and that denied benefits. A telephone hearing was held on September 28, 2010. The claimant did not participate. Stacy Navarro, HR Coordinator, participated for the employer. Employer Exhibits 1, 2, and 3 were received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time laborer from July 21, 2009 to June 16, 2010. The claimant was a no-call/no-show to work for three days: June 18, 21, and 22. According to employer policy that was received and acknowledged by the claimant, a three-day no-call, no-show to work is a voluntary quit of employment.

The claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment on June 18, 2010.

The claimant was a no-call, no-show to work for three consecutive days, which is a voluntary quit without good cause attributable to the employer.

DECISION:

The department decision dated July 28, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on June 18, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw