

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERAMY L HUMMEL
Claimant

MODERN BUILDERS INC
Employer

APPEAL NO: 13A-UI-02959-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/11/12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Job Abandonment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 8, 2013, reference 03, that held he voluntarily quit without good cause attributable to his employer on February 15, 2013, and benefits are denied. A telephone hearing was held on May 6, 2013. The claimant did not participate. Rusty Stensland, Vice-President, participated for the employer. Employer Exhibit 1 was 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 witness testimony and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time construction laborer from November 19, 2012 to February 12, 2013. The claimant knew it was employer policy to call-in or come-in to check on available work each day. Claimant was a three-day no-call/no-show to work for February 13, 14 and 15. The employer considered claimant voluntarily quit due to job abandonment.

Claimant was not available when called at the phone numbers provided.

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 February 15, 2013.

The claimant did not appear in this matter to dispute the employer record he abandoned his job as a three-day no-call/no-show to work.

DECISION:

The department decision dated March 8, 2013, reference 03, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on February 15, 2013. 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 the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css