

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALISHA R VANDEWALKER
Claimant

PARCO LTD
Employer

APPEAL 15A-UI-07035-KCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 9, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 23, 2015. Claimant participated. Employer participated through Helen Jones, Manager.

The entire record, including the recording of the hearing was reviewed by Administrative Law Judge Teresa K. Hillary on September 21, 2015.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a crew leader beginning on January 13, 2014 through April 11, 2015 when she was considered to have voluntarily quit. The claimant was a three-day no-call/no-show for her scheduled work shifts on April 4, 6, 8.

On April 3 the claimant called in to say she was going to be late to work because she did not have a babysitter. Ms. Jones tried to call her back to tell her they were overscheduled anyway and just to take the night off but she could not get ahold of the claimant before the claimant came into work. At that time the claimant came into work was told she could take the night off. The claimant was angry and was specifically told that she could discuss with Ms. Jones the next day her work issues. Thereafter the claimant was a three-day no-call/no-show for work in contravention to the employer's written policy a copy of which had been given to her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

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 June 9, 2015, reference 01, decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge for
Kristin A. Collinson
Administrative Law Judge

Decision Dated and Mailed

tkh/kac/css