

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**MICHAEL T TOMLINSON**  
Claimant

**THEISENS INC**  
Employer

**APPEAL NO. 21A-UI-25619-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/03/21  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 12, 2021, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 19, 2022. Claimant participated. Employer participated by Heidi Lingle and Mitch Klepper.

**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 September 24, 2021. Claimant did not work after that date although he was scheduled on September 27, 28, 29, October 1, 2, and 3. Claimant stated that he did not show for work as his girlfriend was sick.

Claimant did not call in to report his absences according to company policy but did call in on September 29, 2021 to complain about a coworker's lack of work ethic. A meeting was set with the regional manager on October 1, 2021. Claimant did not attend that meeting and did not show for work that day or the next two, after already missing three previous days.

Claimant stated that his coworker was lazy and did not do work. This created a situation where the shop where claimant worked was messy at all times. Claimant did not attend the scheduled meeting to talk about this with the regional manager.

There was ongoing work available for claimant had he chosen to continue working.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

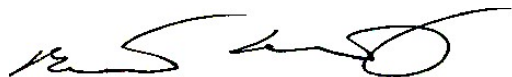
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

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 because his girlfriend was sick and claimant did not go to work to attend to her.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant did not even try to bring in a doctor's note, didn't call in when he'd miss work, and missed a meeting with the regional manager. His multiple day of not calling and not showing for work are equivalent to a quit. Benefits denied.

#### **DECISION:**

The decision of the representative dated November 12, 2021, reference 02, is affirmed. 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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Blair A. Bennett  
Administrative Law Judge

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February 10, 2022  
Decision Dated and Mailed

bab/kmj