

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VANCE R GRAVE**  
Claimant

**APPEAL NO. 09A-UI-01447-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 01/04/09 R: 01**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(4) – Voluntary Quit/Absence Three Days Without Notice

**STATEMENT OF THE CASE:**

Vance Grave filed an appeal from a representative's decision dated January 28, 2009, reference 01, which denied benefits based upon his separation from Casey's Marketing Company. After due notice was issued, a hearing was scheduled for and held on February 18, 2009. The claimant participated personally. The employer participated by Ms. Beth Rudock, store manager.

**ISSUE:**

At issue in this matter is whether the claimant voluntarily quit employment after being absent for three or more consecutive workdays without providing notification to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from January 2008 until August 30, 2008, when he voluntarily quit employment by discontinuing to report for scheduled work. Mr. Grave was employed as a part-time cook, averaging 30 hours of work per week, and was paid by the hour.

Mr. Grave last reported for scheduled work on August 30, 2008. The claimant discontinued reporting for scheduled work and did not provide any notice to the employer as to the reason why he was not reporting for his shifts. After the claimant had not reported or provided notification for a substantial period of time, the employer reasonably concluded that the claimant had voluntarily relinquished his job with the company.

On or about August 30, 2008, the claimant was hospitalized but did not take steps to ensure that his employer was notified of his absence or the reasons for it.

## **REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in the record establishes that the claimant voluntarily quit employment by discontinuing to report for work and failing to provide notification to the employer for three or more consecutive workdays. It does.

The evidence in the record establishes the claimant's last day of work was August 30, 2008, and that the claimant did not report thereafter for scheduled work or provide any additional notification to the employer regarding his absences or the reasons for them. As the claimant had been absent for an extended period of time and had not provided any notification to the employer, the company reasonably concluded that Mr. Grave had voluntarily quit employment.

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.

For the reasons stated herein, the administrative law judge concludes that the claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld.

## **DECISION:**

The representative's decision dated January 28, 2009, reference 01, is affirmed. The claimant voluntarily quit employment for reasons that are disqualifying. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided he meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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