

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASEY M KORTE
Claimant

APPEAL NO. 07A-UI-04750-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KUM & GO LC
Employer

OC: 04/08/07 R: 02
Claimant: Respondent (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Kum & Go, filed an appeal from a decision dated April 25, 2007, reference 01. The decision allowed benefits to the claimant, Casey Korte. After due notice was issued a hearing was held by telephone conference call on May 29, 2007. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by General Manager Sabrina Wimber.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Casey Korte was employed by Kum & Go from August 21, 2006 until March 16, 2007, as a full-time associate working 11:00 p.m. until 7:30 a.m. He was scheduled to work on March 16, 2007, and spoke with General Manager Sabrina Wimber to say he would not be able to come in to work that night because he had homework to do. Ms. Wimber stated he could do his homework at the store, as the night shift was not usually very busy, but he needed to either come into work as scheduled or find a replacement. He did neither and was no-call/no-show to work after that date.

Casey Korte filed a claim for unemployment benefits with an effective date of April 8, 2007. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

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 claimant is considered a voluntary quit for failing to appear for his scheduled shifts starting March 16, 2007, and for every shift thereafter without properly notifying the employer. His decision not to come in to work because he had homework is a matter of purely personal consideration that does not constitute good cause attributable to the employer. He is disqualified.

DECISION:

The representative's decision of April 25, 2007, reference 01, is reversed. Casey Korte is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw