IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

Appeal Number: 05A-UI-11215-MT
OC: 09/11/05   R: 02
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor— Lucas Building, Des Moines, Iowa 50319***.

HOPE M HAGEN LEE
139 WILLOW RIDGE
ALTOONA IA 50009

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY
1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

ING USA ANNUITY AND LIFE
 INSURANCE COMPANY
 ^C/_O **ADP**
PO BOX 6501
DIAMOND BAR CA 91765-8501

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

_____
(Administrative Law Judge)

_____
(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated October 18, 2005, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 16, 2005. Employer participated by Rina Leib, Hearing Representative, ADP, Lori Wood, Manager and Laura Chicchelly, Team Lead. Claimant failed to respond to the hearing notice and did not participate.

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 30, 2005. Claimant had worked for the company for less than a year and was not eligible for FMLA. Claimant called in absent for a week due to family member illness. Claimant applied for medical leave but was not eligible. Claimant failed to call in for three days in a row, September 12, 2005, September 13, 2005 and September 15, 2005. Employer considered this a voluntary quit. Claimant was sent two letters by overnight delivery with UPS. Claimant was also left messages. Claimant did not respond to the letters or calls.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. 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 of job abandonment. Claimant's failure to show for work three days in a row is job abandonment. Claimant had multiple opportunities to contact the employer to work out the problem. The failure to contact the employer demonstrated job abandonment. This is not cause attributable to employer for a quit. Benefits withheld.

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.

DECISION:

The decision of the representative dated October 18, 2005, reference 02, is reversed. 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. No overpayment is issued as claimant had not collected on this claim.

mdm\pjs