

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

AGATHA A TOMBOMODE
2828 SCHOOL
DES MOINES IA 50311

MARSDEN BUILDING MAINTENANCE LLC
ATTN JEFF ALLEN
2801 BELL AVE
DES MOINES IA 50321

Appeal Number: 04A-UI-00449-HT
OC: 11/30/03 R: 02
Claimant: Appellant (1)

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.**

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.

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 - Quit

STATEMENT OF THE CASE:

The claimant, Agatha Tombomode, filed an appeal from a decision dated January 7, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on March 24, 2004. The claimant participated on her own behalf and Magdy Salama acted as interpreter. The employer, Marsden Building Maintenance (MBM), participated by Human Resources Manager Jeff Allen.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Agatha Tombomode was employed by MBM from September 20, 2002 until May 27, 2003. She was a part-time general cleaner.

The claimant did not report to work after May 27, 2003. The building supervisor, Marie Perez, attempted to call her on May 30, 2003, but was not able to reach her. Ms. Tombomode was no-call/no-show to work on May 28, 29, 30, and June 2, 2003. Under the company policies three days of no-call/no-show to work is considered a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant was no-call/no-show to work for four days, in violation of a company policy. Under the provisions of the above Administrative Code Section, this is a voluntary quit without good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of January 7, 2004, reference 01, is affirmed. Agatha Tombomode is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/b