

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DUNCAN GRINSTEAD
Claimant

CUSTOM-PAK INC - LP2
Employer

APPEAL NO. 20A-UI-01545-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/19/20
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 February 10, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 9, 2020. Claimant participated. Employer participated by Erin Beswick.

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 January 20, 2020. Claimant was deemed by employer to have voluntarily quit on January 27, 2020 because claimant had been a no-call/no-show for work for three consecutive days.

Claimant worked as a full time mold technician for employer. Claimant had received FMLA, but had used all of his available time. Additionally, claimant accrued points against employer's attendance policies for properly reported absences occurring on January 21 & 22, 2020. Claimant stated that he knew his additional absences would bring about his termination for violations of the attendance policy, so he decided not to call in. After three days, January 23, 24, and 27, 2020, employer terminated claimant for claimant being a three day no-call/no-show.

Although claimant hadn't been told he was terminated, he believed he would be.

Claimant was going through physical, financial, and emotional difficulties at this time.

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.

Iowa Admin. Code r. 871-24.25(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 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 he felt he would be terminated for his absenteeism. Benefits are denied.

DECISION:

The decision of the representative dated February 10, 2020, reference 01, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn