

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY R ARAIZA
Claimant

APPEAL NO. 12A-UI-05647-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEEF PRODUCTS INC
Employer

OC: 10/23/11
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 9, 2012, reference 03, that allowed benefits to Anthony R. Araiza. After due notice was issued, a telephone hearing was held July 10, 2012 with Jennifer Stubbs participating for the employer. Mr. Araiza did not provide a telephone number at which he could be contacted.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Anthony R. Araiza was a production worker for Beef Products, Inc. from September 19, 2011 until February 14, 2012. He did not report to work or contact the employer on February 10, 13 and 14, 2012. Company policy provides that three days of absence without contact is considered a voluntary quit. Mr. Araiza has not requested or received unemployment insurance benefits since this separation.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with good cause attributable to the employer.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. As noted above, the claimant did not participate. Three days of absence without contact in violation of company policy is considered a voluntary quit without good cause attributable to the employer. See

871 IAC 24.25(4). The evidence in the record establishes that the claimant's employment ended under circumstances contemplated by this rule. Benefits are withheld.

DECISION:

The unemployment insurance decision dated May 9, 2012, reference 03, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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