

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY N BERGMANN
Claimant

APPEAL NO. 12A-UI-05361-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

**OC: 04/15/12
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated May 4, 2012, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on May 31, 2012. Claimant participated. The employer participated by Ms. Courtney Mast, Human Resource Representative.

ISSUE:

The issue is whether the claimant left employment without good cause attributable to the employer by failing to report or provide notification for three or more consecutive work days.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Ashley Bergmann began employment with the Target Corporation on March 6, 2011. Ms. Bergmann most recently worked as a part-time pharmacy technician and was paid by the hour. Her immediate supervisor was Whitney Darkow. Claimant was discharged on April 14, 2012 for failing to report for work or contact her employer for an extended period of time.

In March 2012, Ms. Bergmann requested a period of time from March 11 through March 24, 2012 off work to have shoulder surgery. Claimant's request was approved. The claimant did not return to work on March 26, 2012 as expected but provided a doctor's note indicating that the claimant needed to be off work additional time for medical reasons. On April 2, 2012, Ms. Bergmann spoke to Ms. Courtney Mast regarding additional time away from work. Claimant was specifically informed to re-contact Ms. Mast and to stay in touch as the claimant needed to complete paperwork for the request and approval for an additional leave of absence. Although Ms. Mast made repeated attempts to contact Ms. Bergmann she did not receive a return call and the claimant did not contact her employer again until April 14, 2012 when she inquired about her job status.

Based upon the claimant's failure to maintain contact as instructed and her failure to call in to report her ongoing impending absences from April 6 through April 14, 2012, the employer had

concluded the claimant had voluntarily relinquished her position with the company as she had failed to provide notification of impending absences for three or more consecutive work days in violation of company policy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily left employment without 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.

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.

An employer is entitled to expect its employees to report to work as scheduled or be notified when and why the employee is unable to report for work. Inasmuch as the claimant failed to maintain contact with the company as specifically directed and failed to report for work or notify the employer for an extensive period of time in excess of three consecutive work days in violation of the employer's policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated May 4, 2012, reference 01, is affirmed. Claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs