

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAGGIE D DAVIDSON

Claimant

APPEAL NO. 12A-UI-11639-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**APAC CUSTOMER SERVICES
OF IOWA LLC**

Employer

OC: 08/19/12

Claimant: Appellant (1)

Iowa Code § 96. 5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 19, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on October 24, 2012. Claimant participated. Employer participated through Human Resources Generalist Rochelle Jordan. Employer witness Staci Shaffer was not available.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a team leader from 2009 and was separated from employment on August 3, 2012. Her last day of work was June 30, 2012. She was on a medical leave of absence from then through July 30. She provided a medical excuse for July 2 through July 23. When claimant failed to return to work on July 23, Jordan called her on July 25. Claimant provided another medical note on July 27 to cover her absences through July 30. Jordan asked to meet with her on July 26 at 11 a.m. but claimant called about having phone and car issues, so Jordan said she needed to talk to her on Friday, July 27, and was available all day. Claimant was a no-call, no-show. Claimant did notify floor walker Jackie Zaruba she would be at work at 5 p.m. on July 30, and Zaruba told her to contact Jordan or Shaffer if she was unable to report. Claimant was a no-call, no-show on July 30, August 1, and August 2 and provided no further medical documentation. The employer's policy provides that no-call, no-show absences for three consecutive workdays is considered a voluntarily quitting of employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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 § 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 § 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 to be notified when and why the employee is unable to report to work. Inasmuch as the claimant failed to provide additional medical documentation for her extended absence period, to report for work, or to notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The September 19, 2012 (reference 01) decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw