

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID FROEHILCH**  
Claimant

**APPEAL NO. 11A-UI-16511-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 11/27/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 19, 2011 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on January 25, 2012. Claimant participated. Employer participated through account manager Brooke McCullough and claims administrator Sarah Fiedler.

**ISSUE:**

The issue is whether claimant quit.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a machine operator and was separated from a temporary employment assigned at HON Industries on October 26, 2011. His last day of work was October 19 when he left early due to illness. He was ill on October 20, 2011, called McCullough and told her he was on his way in and said he was having issues at the assignment. She told him to “write it out” (not “ride it out” as claimant believed she said) and make an appointment to meet with her later, said she was on her way to a meeting, and left. He never submitted a written complaint. On October 20 he spoke to the HON liason Barry about the issue of harassment and racially motivated name-calling (‘puta,’ etc.) from coworkers and he referred him to McCullough. On October 21 he reported his illness and provided a medical excuse for October 19, 20, and 21, 2011. He did not report to work on October 24 or communicate with the employer until November 15 because he was out-of-state for a family funeral and related matters. By that time the employer considered him to have quit the assignment and the employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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), (20) 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.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Since he failed to put his complaint in writing as the employer requested, his separation based upon the complaints about coworkers at the assignment was not attributable to the employer. 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 report for work or 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. His absence due to the family funeral matters lasted more than ten days and is also disqualifying. Benefits are withheld.

**DECISION:**

The December 19, 2011 (reference 01) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs