

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLENN W MAXWELL

Claimant

APPEAL NO. 13A-UI-06869-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 05/12/13

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Glenn Maxwell (claimant) appealed a representative's June 6, 2013 decision (reference 1) that concluded he was not eligible to receive unemployment insurance benefits due to his separation from work with Advance Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 10, 2013. The claimant participated personally. The employer participated by Michael Payne, Risk Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment service. The claimant performed services from November 12, 2012, through April 20, 2013. He was assigned to work at Pioneer Hybrid as a full-time general laborer. The claimant signed for receipt of the employer's handbook on November 9, 2012. The employer has a policy that an employee will be considered to have quit if the employee is absent for three days without giving notice to the employer and the client employer.

On April 24, and 25, 2013, the claimant notified the employer that he would not be appearing for work but did not notify the client employer. On April 26, and 29, 2013, he did not appear for work and did not call to inform the employer or the client employer that he was not appearing for work. The claimant was considered to have quit on April 30, 2013 for failing to appear for work without proper notice for more than three days.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds the claimant voluntarily quit work without good cause attributable to the employer.

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.

The claimant was absent from work for more than three days without giving proper notice to the employer. The employer has a rule that if the employee is absent without notice to the employer for three days the employee is deemed to have voluntarily quit. The claimant is deemed to have voluntarily quit based on his absence from work for more than days without giving proper notice to the employer. There is no evidence of good cause attributable to the employer.

DECISION:

The representative's June 6, 2013 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css