

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID A FROEHLICH
Claimant

**R J PERSONNEL INC
TEMP ASSOCIATES**
Employer

APPEAL NO: 12A-UI-00021-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/27/11
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The employer appealed a department decision dated December 23, 2011, reference 02, that held the claimant voluntarily quit with good cause attributable to his employer on September 17, 2011, and benefits are denied. A telephone hearing was held on February 1, 2012. The claimant did not participate. Mike Thomas, Account Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer on assignment at Lewis Industrial Services as a full-time maintenance mechanic from March 10, 2011 to July 15. The claimant let the employer he had failed to call in or show up for work for three days, July 18, 19 and 20. Manager Thomas called claimant on July 20 about why he failed to go into work. Claimant responded that he had suffered a non-job-related injury over the weekend, but he did not want to go back to work.

Claimant could not be reached at the telephone number provided.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment effective July 20, 2011.

A failure to call in and report for work for three days is a voluntary quit due to job abandonment.

DECISION:

The department decision dated December 23, 2011, reference 02, is reversed. The claimant voluntarily quit without good cause due to job abandonment on July 20, 2011. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css