

terminated when they reach six points. The claimant called the employer and reported he was ill and would not be in June 1, June 14, July 11, and July 25, 2005. He was absent August 3, 2005, for reasons unknown. The employer issued written warnings to the claimant July 13, 2005, after he accumulated three points and August 5, 2005, after he accumulated five points and the claimant signed both warnings. The claimant was a no-call no-show August 14 and August 15, 2005, and the employer determined he had abandoned his job. On August 19, 2005, the claimant went in to pick up his final check and signed paperwork indicating he voluntarily quit his job. The claimant stated he called the employer August 15, 2005, and said he knew he had "pointed out" but was dissatisfied with his schedule and felt it was too hot in the plant. He did not talk to the employer about the problem prior to leaving his employment and was not advised by a medical professional that he needed to leave his job because of health concerns.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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.

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. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2 (amended 1998). While the claimant may have had some legitimate complaints, he failed to bring those issues to the employer's attention until after he had exceeded the allowed number of attendance points and chose not to call or attend work August 14 or 15, 2005. Inasmuch as the claimant did not report his concerns to the employer and failed to report for work or notify the employer for two consecutive workdays in violation of the employer's policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Therefore, benefits are denied.

DECISION:

The September 26, 2005, reference 04, 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.

je/pjs