

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD C CRAMER
Claimant

APPEAL NO. 06A-UI-11768-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAMILY DOLLAR SERVICES INC
Employer

OC: 11/05/06 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Todd C. Cramer filed a timely appeal from an unemployment insurance decision dated November 29, 2006, reference 02, that disqualified him for benefits. After due notice was issued, a telephone hearing was held December 21, 2006, with Mr. Cramer participating. Human Resources Area Manager Sharon Beck participated for the employer, Family Dollar Services, Inc. Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Todd C. Cramer was hired by Family Dollar Services on March 18, 2002. He was working as a bulk order filler when he requested and received a medical leave of absence to begin September 18, 2006. The leave of absence agreement stated that he would return on October 19, 2006 and that he would contact his department manager if he needed to ask for an extension. The form also stated that absence without contact for three shifts after the scheduled date of return would be treated as a voluntary quit by the employer.

Mr. Cramer attempted to contact his department manager but did not leave any message for him. He did not speak to anyone in Human Resources until November 3, 2006. He did not return following his leave of absence.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes the claimant left work with good cause attributable to the employer. It does not.

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.

Two rules from the Iowa Administrative Code appear to be relevant to the case at hand. 871 IAC 24.25(4) provides that three days of absence without notice to the employer in violation of company rule is considered to be a quit without cause attributable to the employer. The evidence shows that the claimant's leave of absence form stated clearly that this would be the consequence if he failed to return or contact his department manager within three days after the scheduled end of his leave of absence. In addition, 871 IAC 24.22(2)(j)(2) provides that if an individual fails to return to work following a leave of absence and thus becomes unemployed, the individual is considered to have left work without good cause attributable to the employer.

Mr. Cramer did not provide any excuse for failing to contact or leave a message for his department manager. Under these circumstances, the administrative law judge concludes that the separation must be viewed as a voluntary quit without cause attributable to the employer. Benefits are withheld.

DECISION:

The unemployment insurance decision dated November 29, 2006, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs