

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA J SARAZIN
Claimant

APPEAL NO. 13A-UI-06192-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BOSTON WINDOW CLEANING INC
Employer

OC: 04/28/13
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Laura Sarazin, filed an appeal from a decision dated May 20, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 1, 2013. The claimant participated on her own behalf. The employer, Boston Window Cleaning, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Laura Sarazin was employed by Boston Window Cleaning from September 22, 2010 until April 23, 2013 as a full-time janitor. She had been referred to a workers' compensation doctor in December 2012 when she alleged she had been injured at work. It was ruled not a work-related injury and she sought her own medical treatment.

The attending health care provider released her to return to work April 16, 2013. She was no-call/no-show to work after that date even though the corporate office had sent her documentation explaining her responsibility to do so if she did not return to work. The employer considered her a voluntary quit after three no-call/no-shows to work.

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 claimant's testimony was confused, vague and unresponsive. But she did acknowledge she did not carefully read the material sent to her by the employer about her obligation to have paperwork filled out for FML and to report any absences. Without more clear and specific information from either party the administrative law judge must conclude the claimant is considered a voluntary quit by operation of law by being no-call/no-show to work for three days under the provisions of the above Administrative Code section. Benefits are denied.

DECISION:

The representative's decision of May 20, 2013, reference 01, is affirmed. Laura Sarazin is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs