

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORIO RODRIGUEZ PADILLA
Claimant

APPEAL NO. 08A-UI-03426-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRIUMPH FOODS
Employer

OC: 03/09/08 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Gregorio Rodriguez Padilla filed an appeal from a representative's decision dated April 3, 2008, reference 01, which denied benefits upon his separation from Triumph Foods. After due notice was issued, a hearing was held by telephone on April 22, 2008. Mr. Rodriguez participated personally. Participating as the official interpreter was Oliver Koch. The employer participated by Ernesto Rodriguez, assistant personnel manager.

ISSUE:

At issue in this matter is whether Mr. Rodriguez Padilla voluntarily quit employment for reasons that were attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for Triumph Foods from February 2007 until November 30, 2007, as a full-time production worker. The claimant left his employment by discontinuing to report for available work beginning on December 1 and thereafter. Mr. Rodriguez Padilla provided no notification to the employer of the reason for his leaving and did not report for scheduled work for three or more consecutive workdays and did not provide any notification to the company.

Mr. Rodriguez Padilla left to travel to Mexico, where his wife was ill.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence establishes that the claimant voluntarily quit his employment by discontinuing to report for scheduled work. It does.

The evidence in the record establishes that Mr. Rodriguez Padilla left work without notice and failed to report for scheduled work beginning on December 1, 2007, and thereafter. The claimant failed to report for scheduled work for three or more consecutive workdays without providing notification to the employer. The claimant did not return after ten days to attempt to

reclaim his employment. Based upon the facts of the case and the law, the administrative law judge concludes that the claimant voluntarily quit his employment by discontinuing to report for scheduled work.

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.

DECISION:

The representative's decision dated April 3, 2008, reference 01, is hereby affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw