

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DRAKE STEINBACH**  
Claimant

**DRM INC**  
Employer

**APPEAL 22A-UI-06210-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/30/22  
Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5 (2) a – Discharge for Misconduct  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Rep. Participation in Fact-Finding Interview

**STATEMENT OF THE CASE:**

On March 7, 2022, DRM, Inc. (employer/appellant) filed an appeal from the February 24, 2022, reference 01, unemployment insurance decision that concluded he was eligible for benefits. A telephone hearing was held at on April 21, 2022 pursuant to due notice. The claimant did not participate. The employer DRM Inc., participated through hearing representative Hilda Slomka and Julie Showers, general manager. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?

Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?

Can charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Claimant began working for employer on July 6, 2021. Claimant last worked as a part-time crew member. Claimant was separated from employment on December 24, 2021, when he voluntarily quit his employment after he failed to report for three consecutive shifts. Employer's last contact with the claimant was on his last day of work which was December 24, 2021.

Claimant has not been paid any unemployment benefits since his original claim date of January 30, 2022.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25(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:

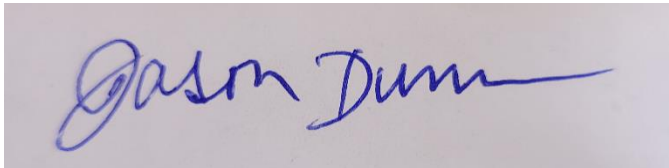
(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant failed to return to work after his shift on December 24, 2021. He was scheduled to work on December 27-29, 2021. The claimant has not contacted the employer since his last day worked and he voluntarily quit his employment. His quitting was not attributable to his employer. Benefits are denied.

The claimant has not been paid any benefits to date so the remaining issues are moot.

**DECISION:**

The February 24, 2022, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the 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



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Administrative Law Judge  
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April 26, 2022  
Decision Dated and Mailed

jd/mh