

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TESHONDER R HOUSE
Claimant

APPEAL NO. 12A-UI-04911-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

D OF S FOODS INC
Employer

**OC: 08/21/11
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Teshonder House, filed an appeal from a decision dated April 25, 2012, reference 05. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 21, 2012. The claimant participated on her own behalf. The employer, D of S Foods, participated by Human Resources Generalist Karla Shedd

ISSUE:

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

FINDINGS OF FACT:

Teshonder House was employed by D&S Foods from July 14 until July 20, 2011 as a part-time crew member. Her last day of work was July 20, 2011, and she was no-call to work for the next three days. She was considered a voluntary quit under the provisions of the employer's policies, of which she received a copy.

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 was no-call/no-show to work for three days in violation of the company rules. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of April 25, 2012, reference 05, is affirmed. Teshonder House 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/css