

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLENE A NORWOOD
Claimant

APPEAL NO. 09A-UI-08693-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

**Original Claim: 05/03/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 8, 2009, reference 01, that held he voluntarily quit without good cause attributable to her employer on September 11, 2008, and benefits are denied. A telephone hearing was held on July 2, 2009. The claimant did not participate. Mick Black, HR Director, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The claimant worked for the employer on an indefinite assignment at CDS beginning September 2, 2008 as a full-time production worker. The claimant last worked at CDS on September 11. The claimant walked off the job during a break period and did not return to work that day or the following day. When CDS reported the claimant's no-call, no-show to work to the employer for September 12, the employer tried to contact the claimant without success. The employer considered the claimant to have quit employment when continuing employment was available.

The claimant failed to respond to the hearing notice.

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment

The claimant left an indefinite assignment by walking off the job and failing to report for work.

DECISION:

The department decision dated June 8, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on September 11, 2009. Benefits are denied until the claimant re-qualifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw