

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DOUGLAS E GAUNT
Claimant

S & J TUBE INC
Employer

APPEAL 20A-UI-09234-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/26/20
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 3, 2020, the claimant filed an appeal from the July 22, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 15, 2020. Employer participated through Nicole Hoben, Office Manager and Brooke McCullough, Human Resources Manager. Employer's Exhibit A was admitted into the record.

ISSUES:

Did claimant voluntary quit his employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on March 19, 2019. Claimant last worked as a full-time welder. Claimant was separated from employment on April 29, 2020 when he was considered a No Call/No Show for three consecutive days. The company policy is three days No Call/No Show is deemed a voluntary quit. Claimant received a copy of this policy.

On April 20, 2020 claimant was called into the office by his Group Leader, Mark Ball, to be given a verbal warning on his production. During the meeting Mr. Ball told claimant to leave work due to his attitude and to call Ms. McCullough the next morning. On April 21, 2020 claimant called and left a voice message with Ms. McCullough shortly after his shift started. On April 22, 2020, claimant left Ms. McCullough a message that he would call her on April 23, 2020. Ms. McCullough testified that the message on April 22, 2020 was the last message she received from claimant. Ms. Hoben testified that the call system at work records when there are missed calls. Claimant testified that he called every work day and did not go three days without calling. Claimant in his appeal implied he went to work to be sent home for a cough, rather than for disciplinary reasons on April 20, 2020.

REASONING AND CONCLUSIONS OF LAW:

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.

I find the testimony of the employer to be more credible as to the fact that claimant did not call in after April 22, 2020. Claimant was a No Call/No Show from April 23, 24, 27, 28 and 29, 2020.

I find claimant quit his employment without good cause attributable to the employer. The employer has records of calls and missed calls and the records do not show claimant called after April 22, 2020

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 22, 2020, (reference 01) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided claimant is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

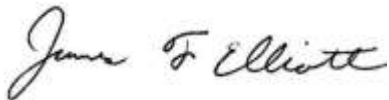
Even though claimant is not eligible for regular unemployment insurance benefits under state law, claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-informatio>

<https://www.iowaworkforcedevelopment.gov/Pua-application>



James F. Elliott
Administrative Law Judge

September 18, 2020
Decision Dated and Mailed

je/sam