

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COADY C SPURGEON/LUFFY
Claimant

APPEAL NO: 10A-UI-10002-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 06/13/10
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 July 9, 2010, reference 01, that held he voluntarily quit without good cause attributable to his employer on May 11, 2010 and benefits are denied. A telephone hearing was held on August 31, 2010. The claimant participated. Jessica Sheppard, HR Associate, participated for the employer. Employer Exhibit 1 was received as evidence.

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 witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time production employee from November 10, 2008 to May 11, 2010. The claimant called in to report absences due to illness from May 12 through June 3, 2010. The claimant failed to call in after June 3 based on a rumor that he was terminated. The employer terminated the claimant as a voluntary quit due to his failure to call in or report for work on June 4, 7 and 8.

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 effective May 11, 2010.

The claimant's separation from employment began when he did not report to work due to a properly reported illness on May 12, and it continued when he called in absences through June 3. The claimant abandoned his job when he stopped calling in absences for three days that is a voluntary quit without good cause attributable to the employer. There is no evidence the employer notified the claimant he was terminated on or before June 3.

DECISION:

The department decision dated July 9, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment effective May 11, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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