

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LUCAS A WILLETT

Claimant

APPEAL NO. 10A-UI-05803-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 04/05/09

Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Job Abandonment

STATEMENT OF THE CASE:

The employer appealed a department representative's decision dated April 12, 2010, reference 03, that held the claimant completed a temporary job on March 17, 2010, and benefits are allowed. A telephone hearing was held on June 9, 2010. The claimant did not participate. Scott McKenzie, Unemployment Specialist, participated for the employer. Employer Exhibit One was received as evidence.

ISSUE:

Whether claimant voluntarily quit with 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 that: The claimant began work on assignment May 26, 2009. The claimant signed for the employer policy and procedures that include a requirement he contact the employer about any absence from work. The assignment policy states that if an assignment is not completed, it is a voluntary termination from employment.

The claimant was placed on a long-term assignment at City Carton in Creston, Iowa on beginning March 8, 2010. The claimant last worked on March 17 and failed to contact the employer or report for further work. After not hearing from the claimant for three days, the employer considered the claimant to have voluntarily terminated his employment.

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 that the claimant voluntarily quit without good cause attributable to the employer on March 17, 2010, because he abandoned his job.

The claimant failed to report for work or to the employer about a return to work after March 17 that employer policy states is a voluntary termination.

DECISION:

The decision of the representative dated April 12, 2010, reference 03, is reversed. The claimant voluntarily quit without good cause on March 17, 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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