

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMAAL TURPIN

Claimant

APPEAL NO. 08A-UI-10999-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

**OC: 10-19-08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 13, 2008, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on December 9, 2008. The claimant did participate. The employer did participate through Matt Overton, Collections Supervisor.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a collector full time beginning October 2, 2006 through October 20, 2008 when he was discharged.

The claimant was stuck out of town on October 8 and sent an e-mail to the employer saying he would not be into work that day. The employer did not consider him a no-call/no-show for October 8. The claimant then did not call in or show up for work for the next four days, October 9, 10, 11 and 13. The claimant did not have permission to be absent from work for the next four days.

The claimant returned to work on October 14 and was told that he was considered a four-day no-call/no-show from work and that his employment status was being reviewed with the human resources department. On October 20, the claimant was notified that due to his no-call/no-show for four consecutive workdays he was being considered a voluntary quit from work.

The claimant failed to report for work or notify the employer of his absences for four consecutive scheduled workdays on October 9, 10, 11, and 13, 2008 in violation of the employer's policy. The claimant had been given a copy of the employer attendance policy which put him on notice that a three-day no-call/no-show would be considered a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

An employer is entitled to expect its employees to report to work as scheduled or to be notified when and why the employee is unable to report to work. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The November 13, 2008, reference 01, decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css