

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BENJAMIN A DEHLI
Claimant

APPEAL 16A-UI-11420-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRI STAR MEAT & POULTRY LLC
Employer

**OC: 12/06/15
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Benjamin A. Dehli (claimant) filed an appeal from the October 14, 2016 (reference 06) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment with Agri Star Meat & Poultry, LLC (employer) due to a loss of transportation, which is not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on November 4, 2016. The claimant participated personally. The employer participated through Payroll/HR Assistant Laura Roney.

ISSUE:

Did the claimant voluntarily leave the employment with good cause attributable to the employer or did the employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds the facts of this case are largely uncontested. The claimant was employed full-time in Sanitation beginning on July 13, 2010, and was separated from employment on November 18, 2015. He was rehired on April 25, 2016 and his last day worked was September 18, 2016. The employer has a policy that after three days of no-call/no-show absences an employee is deemed to have voluntarily quit his or her employment.

The claimant knew when he was hired and later rehired that he would be required to work overtime during the Jewish holidays. He also knew overtime was required as the employer deals with kosher meats that have certain production timeframes. The claimant felt during both times he was employed with the employer that he was treated unfairly as other employees would be allowed to leave work and he would have to remain to continue working.

On September 18, 2016 after work, the claimant's vehicle broke down. The following day, the claimant reported to the employer that he needed time off to fix his vehicle and would not be at

work for his shift. On September 20, 2016, the claimant called the employer and reported he would be absent as he needed sleep after fixing his vehicle. On September 21, 2016, the claimant called the employer to report the job was causing him stress and he needed time off. On September 22, 2016, the claimant called and reported his absence stating he still needed time off of work.

The claimant's next scheduled work days were September 23, 25, and 26, 2016. The claimant did not report to work and he did not notify the employer of his absences as he believed he had been discharged due to missing three days of work. No one from the employer told the claimant he had been discharged.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not discharged from the employment but voluntarily quit without good cause attributable to the employer. Benefits based upon wages credited from this employer's account are denied.

Iowa law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Ia. Dist. Ct. App. 1973).

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. If an individual fails to report for work or notify the employer of the absence, he or she is deemed to have voluntarily quit without good cause attributable to the employer. Iowa Admin. Code r. 871-24.25(4). Additionally as a general rule, when an individual mistakenly believes he or she has been discharged from employment, but was not told so by the employer, and he or she stops reporting for work, the separation is considered a quit without good cause attributable to the employer. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy and no one working for the employer told the claimant he was discharged, he is considered to have voluntarily left employment without good cause attributable to the employer. Benefits based upon wages credited from this employer's account are denied.

DECISION:

The October 14, 2016, (reference 06) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits based upon wages credited from this employer's account 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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