

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LATRICIA A STRASSER
Claimant

APPEAL NO. 12A-UI-00481-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTEEL INC
Employer

**OC: 08/21/11
Claimant: Respondent (2)**

Section 96.5(1) - Quit

STATEMENT OF THE CASE:

The employer, Allsteel, filed an appeal from a decision dated January 4, 2012, reference 03. The decision allowed benefits to the claimant, Latricia Strasser. After due notice was issued a hearing was held by telephone conference call on February 16, 2012. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by MCR Manager Cherie McClusky, Environmental Manager Lisa Loring and was represented by Employers Edge in the person of Deniece Normann.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Latricia Strasser was employed by Allsteel from April 4 until December 9, 2011 as a full-time work cell operator. At the time of hire she received a copy of the employee handbook. One of the policies notifies employees they will be considered a voluntary quit if they are three days no-call/no-show to work.

Ms. Strasser's last day of work was December 5, 2011. She was no-call/no-show to work after that date. Her supervisor came to MCR Manager Cherie McClusky on December 8, 2011, to report the three days of unreported absence. An attempt was made to call the claimant at her phone number of record but the only response was an automated message stating the phone number was not working. Ms. McClusky decided to give the claimant an extra day to see if she called in but she did not. After four days of being no-call/no-show to work Ms. Strasser was considered a voluntary quit.

Latricia Strasser filed a claim for unemployment benefits with an effective date of August 21, 2011. She filed an additional claim effective December 11, 2011. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 § 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 § 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 claimant was no-call/no-show to work for more than three days in violation of a known company rule. As Ms. Strasser did not participate in the hearing it is not known the reason she was absent or failed to report the absence. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of January 4, 2012, reference 03, is reversed. Latricia Strasser is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs