

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSHUA L STAFFORD
Claimant

APPEAL 19A-UI-07687-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF DM
Employer

**OC: 08/18/19
Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

On September 30, 2019, the employer filed an appeal from the September 20, 2019, (reference 04) unemployment insurance decision that allowed benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on October 22, 2019. Claimant did not register for the hearing and did not participate. Employer participated through recruiter Regina Hughes.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can any charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Employer has a policy stating that an employee's failure to report to work will be interpreted as a resignation. Claimant was aware of the policy.

Claimant began working for employer in a full-time, temporary-to-hire position on August 28, 2019. Claimant had a no-call/no-show absence on September 6, 2019. Despite employer's attempt to contact claimant, he did not respond or return to work thereafter. Claimant did not request another assignment.

Claimant has not received any payments of unemployment insurance benefits since filing this claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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 (Fla. Dist. Ct. App. 1973).

In this case, claimant stopped appearing for work and never contacted employer again. Claimant's leaving the employment without notice or reason, and the failure to return to work renders the separation job abandonment without good cause attributable to the employer.

Because claimant has not received any payments of unemployment insurance benefits since filing this claim, the issues regarding overpayment of benefits are moot and will not be discussed further in this decision.

DECISION:

The September 20, 2019, (reference 04) unemployment insurance decision is reversed. Claimant voluntarily left the 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.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn