

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES L DOBBS JR
Claimant

APPEAL NO. 07A-UI-06020-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JELD-WEN INC
Employer

**OC: 09/24/06 R: 02
Claimant: Respondent (2)**

Section 96.5(1) – Quit
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, Jeld-Wen, filed an appeal from a decision dated June 5, 2007, reference 05. The decision allowed benefits to the claimant, James Dobbs. After due notice was issued, a hearing was held by telephone conference call on July 3, 2007. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Human Resources Manager Scott Logan, Production Manager Eric Peterson and was represented by TALX in the person of Edward O'Brien. Exhibits One, Two and Three were admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

James Dobbs Jr. was employed by Jeld-Wen from October 23, 2006 until March 9, 2007, as a full-time general laborer. He attended the new employee orientation, received the attendance policy and the employee handbook. Employees are notified three days no-call/no-show to work is considered a voluntary quit and instructed on how to properly notify the employer of an absence. He followed the correct procedure in the past.

The claimant was no-call/no-show to work on March 6, 7, and 8, 2007, and on March 9, 2007, was considered a voluntary quit.

James Dobbs Jr. has received unemployment benefits since filing an additional claim with an effective date of May 29, 2007.

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 claimant is considered a voluntary quit without good cause attributable to the employer under the provisions of the above Administrative Code section. He did not participate in the hearing to provide any explanation for failing to properly notify the employer of his absences and is therefore disqualified from receiving benefits.

DECISION:

The representative's decision of June 5, 2007, reference 05, is reversed. James Dobbs Jr. is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$1,635.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css