

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TARTUOBO W BEDELL
Claimant

APPEAL NO. 14A-UI-01134-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY
Employer

**OC: 12/29/13
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Tartuobo Bedell, filed an appeal from a decision dated January 28, 2014, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on February 24, 2014. The claimant participated on his own behalf. The employer, Swift, participated by Human Resources Manager Aureliano Diaz.

ISSUE:

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

FINDINGS OF FACT:

Tartuobo Bedell was employed by Swift from March 2, 2009 until December 23, 2013 as a full-time production worker. The week of November 11 through 15, 2013, the claimant was seen several times in the nurses' station. He was sent home on November 15, 2013, and told him to see a doctor because his blood pressure was very high.

On November 21, 2013, he came back to work and was given FML paperwork by Human Resources Manager Aureliano Diaz. He was instructed to have his doctor fill out the forms and return it to the employer by December 5, 2013. He did not return to work after that date and did not contact the employer to update anyone on his status. Swift finally considered him to have voluntarily quit for job abandonment and no-call/no-show on December 23, 2013.

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 did not return the FML paperwork or notify the employer of his status for over four weeks after being given the paperwork to excuse his absences. If he had questions or concerns about his leave of absence, the FML paperwork or his insurance coverage he did not make these known to the employer. His separation must be considered a voluntary quit without good cause attributable to the employer for being no-call/no-show for upwards of four weeks. The claimant is disqualified.

DECISION:

The unemployment insurance decision dated January 28, 2014, reference 01, is affirmed. Tartuobo Bedell is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs