

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**SIMON J PETER  
1401 S 7<sup>TH</sup> AVE #202  
MARSHALLTOWN IA 50158**

**SAC & FOX TRIBE  
MESKWAKI BINGO CASINO & HOTEL  
1504 – 305<sup>TH</sup> ST  
TAMA IA 52339-9697**

**Appeal Number: 05A-UI-03239-CT  
OC: 02/27/05 R: 02  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Simon Peter filed an appeal from a representative's decision dated March 25, 2005, reference 02, which denied benefits based on his separation from Meskwaki Bingo Casino & Hotel (Meskwaki). After due notice was issued, a hearing was held by telephone on April 14, 2005. Mr. Peter participated personally. The employer participated by Sherri Kubosumi, Housekeeping/Laundry Department Manager. Exhibits One, Two, and Three were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Peter was employed by Meskwaki from June 21, 2002 until March 3, 2005. During his employment, his surname was Kolan. As of January 28, 2005, his surname was officially changed to Peter by the Immigration and Naturalization Service.

Mr. Peter was absent on February 27 because of illness. He attempted to contact the employer before the start of the shift, but the telephone was not answered. He did not attempt to call at any other point during the day. He was absent on February 28 and March 1 but did not call the employer on either day. He was not scheduled to work on March 2. When he went to the workplace on March 3, he was advised that he no longer had employment. The employer has a written policy which provides that three consecutive unreported absences will be considered a voluntary quit. Mr. Peter had been provided a copy of the employee handbook containing the policy. Continued work would have been available if he had continued reporting for work or had notified the employer of his intentions.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Peter was separated from employment for any disqualifying reason. He was absent from work for three consecutive shifts without notice to the employer. Although he may have attempted to call in on February 27, he failed to call again when his earlier call was not answered. Mr. Peter acknowledged that he made no attempt to call on either February 28 or March 1. He had no good reason for not reporting his absences.

An individual who is absent from work for three days without notice to the employer in violation of a known rule is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(4). Mr. Peter has not presented any evidence that would overcome the presumption that his quit was not attributable to the employer. For the reasons cited herein, benefits are denied.

DECISION:

The representative's decision dated March 25, 2005, reference 02, is hereby affirmed. Mr. Peter quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/sc