

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOE N JOHNSON**  
Claimant

**APPEAL NO. 08A-UI-08250-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BOSTON WINDOW CLEANING**  
Employer

**OC: 06/22/08 R: 03  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Joe Johnson, filed an appeal from a decision dated September 10, 2008, reference 04. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 30, 2008. The claimant participated on his own behalf. The employer, Boston Window Cleaning, participated by Project Manager Susan Stacey and was represented by Personnel Planner in the person of Hallie Kurth.

**ISSUE:**

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

**FINDINGS OF FACT:**

Joe Johnson was employed by Boston Window Cleaning from January 28, 2008 until July 3, 2008 as a full-time floor technician. At the time of hire, he received a copy of the employee handbook, which states three days of no-call/no-show to work will be considered a voluntary quit.

The claimant's last day of work was June 30, 2008. He was no-call/no-show to work July 1, 2, and 3, 2008, and was considered a voluntary quit as of July 3, 2008. He knew the employer's phone number and had called it several times the week before to report he would not be in to work.

**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 was considered a voluntary quit for being no-call/no-show to work for three consecutive days. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of September 10, 2008, reference 04, is affirmed. Joe Johnson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw