

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHUNDA L GRAHAM
Claimant

APPEAL NO. 07A-UI-01516-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 01/14/07- R: 03
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Shunda Graham, filed an appeal from a decision dated February 5, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 27, 2007. The claimant participated on her own behalf. The employer, Team Staffing Solutions, Inc., participated by Administrative Assistant Sarah Fiedler.

ISSUE:

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

FINDINGS OF FACT:

Shunda Graham was employed by Team Staffing Solutions, Inc., beginning September 5, 2006. She was assigned to a client company Schenker Logistics. On September 11 and 12, 2006, she was absent without properly reporting to the employer and the client company, but the on-site supervisor gave her a “second chance” and had her fill out the leave request form, which he approved.

Ms. Graham’s last day of work was October 10, 2006, after which she was no-call/no-show to work. The employer’s policy requires employees to call in prior to the start of the shift both to it and to the client company. There is no record of any messages or calls received on any of the following days. She was considered a voluntary quit under the employer’s attendance policy.

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 days. Although Ms. Graham maintained she called in each day, she did not provide any evidence in the form of telephone records or a copy of her requested leave slip, to rebut the employer's assertion that no calls were received and no leave was approved in advance. The claimant did have approval for absences on September 11 and 12, 2006, but none for October. The record establishes the claimant was no-call/no-show for three days in violation of the company policy. 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 February 5, 2007, reference 01, is affirmed. Shunda Graham is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css