

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANICE M ALLEN**

Claimant

**APPEAL NO. 09A-UI-14812-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**Original Claim: 09/06/09**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(4) – Absent Without Notice

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 29, 2009, reference 01, that held she voluntarily quit without good cause attributable to her employer on September 1, 2009, and that denied benefits. A telephone hearing was held on November 2, 2009. The claimant participated. Whitney Perdue, Store Manager, participated for the employer. Employer Exhibits One and Two was received as evidence.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant worked for the employer as a part-time cook from November 21, 2006 to September 1, 2009. The claimant knew it was employer policy to call in or come in and report for scheduled work each day. The policy is that two no-call/no-shows to work are considered a voluntary resignation without proper notice.

When the claimant failed to call in and show up for work on September 2, Manager Perdue called her. The claimant stated she was not coming in and wanted to know if she was fired. The claimant was not fired, and she did not offer a reason for failing to report. Perdue advised claimant if she failed to report on September 3, she would be considered a voluntary quit. The claimant did not call in or report for work on the 3.

**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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to job abandonment

The claimant did not offer a credible explanation about her failure to call in and report for work on two consecutive days.

**DECISION:**

The department decision dated September 29, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on September 1, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw