

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE A SWEENEY
Claimant

APPEAL NO. 14A-UI-04549-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMUNITY CARE CENTER
Employer

OC: 04/13/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 2, 2014, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was held on May 23, 2014. The claimant did participate. The employer did through (representative) Lisa Blair, Director of Nursing and Pat Faust, Business Office Manager.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a certified nursing assistant beginning on December 9, 2010 through April 1, 2014 when she voluntarily quit. The claimant was released to return to work by her physician on April 1. The employer scheduled her to work on April 1, 3, 4, 7, 8 and 10. She neither showed up for work nor called the employer to report her absences on any of the above-listed dates. Because she failed to report for work or notify the employer of her absences for three consecutive scheduled workdays beginning April 1, 2014 in violation of the employer's policy, a copy of which had been given to her, she was considered to have voluntarily quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(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 § 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 § 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.

Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are denied.

DECISION:

The May 2, 2014, (reference 01), decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css