

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEON R LUNDIN
Claimant

APPEAL NO: 11A-UI-05673-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY MEDICAL CENTER – CLINTON INC
Employer

OC: 02/13/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Leon R. Lundin (claimant) appealed a representative's April 22, 2011 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Mercy Medical Center – Clinton, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 23, 2011. The claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. Dianne Grantz appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant started working for the employer on July 27, 2009. He worked part time as a PRN (*Pro re nata* – commonly used in medicine to mean "as needed") nutrition service worker, typically on a 4:00 p.m. to 7:30 p.m. shift. His work schedule was posted about three weeks in advance. His last day of work was on or about May 10, 2010.

The claimant had been a no-call, no-show for scheduled work on May 8 and May 9. When he returned, he was given a warning about his no-call, no-shows. Under the employer's policies of which he was on notice three consecutive no-call, no-shows are considered to be job abandonment.

After returning to work and being given this warning, the claimant was a no-call, no-show for three more days, the last of which was May 17, 2010. As a result, on May 20 he was sent a letter advising him he was considered to have voluntarily quit by job abandonment.

The claimant established an unemployment insurance benefit year effective February 13, 2011. His weekly benefit amount was calculated to be \$73.00.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for 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.

871 IAC 24.25 provides that, 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. However, an intent to quit can be inferred in certain circumstances. For example, a three-day no-call, no-show in violation of company rule is considered to be a voluntary quit. 871 IAC 24.25(4). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's April 22, 2011 decision (reference 02) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of May 17, 2010, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs