

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLIE T CHESSHIR
Claimant

APPEAL NO. 07A-UI-03477-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE DEXTER COMPANY
Employer

**OC: 02/18/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 28, 2007, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 23, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Kathy Baker participated in the hearing on behalf of the employer. Exhibits One through Four were admitted into evidence at the hearing.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time for the employer as a foundry laborer from October 25, 2004, to March 6, 2007. He was informed and understood that under the employer's work rules, regular attendance was required and employees were required to notify the employer prior to the start of their shift and provide a reason if they were not able to work as scheduled. The rules further provide that employment will be terminated when an employee is absent from work on three consecutive workdays without notice to the employer.

On March 5, 2007, the claimant was warned after he was absent from work without notice on March 2 and 3. He was informed that any further unexcused absenteeism would result in his termination.

The claimant was absent from work without notice to the employer on March 7, 8, and 9, 2007. His absences and his failure to notify the employer were due to intoxication and emotional distress resulting from marital problems. He knew that he needed to report his absences but figured that since he was told that he would be discharged if he missed work again, it did not matter whether he called in.

After three days of absence without notice, the employer considered the claimant to have voluntarily quit employment effective March 9, 2007. The claimant never contacted the employer regarding his employment status.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The unemployment insurance rules provide that a claimant is considered to have voluntarily quit employment after three days of absence without notice to the employer in violation of a company rule. 871 IAC 24.25(4).

The claimant was absent three days without notice to the employer in violation of a company rule. By rule, he is considered to have voluntarily quit employment without good cause attributable to the employer and because he never contacted the employer regarding his employment status. Even if the claimant is considered to have been discharged, it would be for work-connected misconduct under Iowa Code section 96.5-2-a because he did not have a legitimate excuse for missing work and for failing to call in.

DECISION:

The unemployment insurance decision dated March 28, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs