

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE A NAILS

Claimant

APPEAL NO: 13A-UI-05297-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC

Employer

OC: 03/24/13

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 April 26, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on March 28, 2013, and benefits are denied. A telephone hearing was held on June 7, 2013. The claimant participated. Sharon Robertson, Senior HR Generalist, Andrew Prince, Team Leader, and Kathy Pullis, Senior Team Manager, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant worked for the employer as a full-time billing specialist from October 29, 2007 to March 14, 2013. The claimant knew it was employer policy to call-in or come-in to check on available work each day.

Claimant applied for a training position and she was interviewed on March 9. When she was informed on March 14 another employee got the job, she became frustrated, asked for and was granted permission to leave work.

Claimant called in absences on March 15, 16, 17 and 18 offering personal reasons. She was frustrated about not getting the promotion to the training job. Supervisor Prince talked with claimant on March 17 about her absence and she expressed her feelings about not getting the promotion and not getting a pay raise in her current position. Manager Pullis talked with claimant on March 23. Claimant was told she was not granted a leave of absence, and she would have to come into work to do so. She also was told that her absences on March 21 and March 22 put her at #9 attendance points that exceeds the threshold for termination.

Claimant was a no-call/no-show to work for March 24, March 25 and March 28. The employer policy in this action is a voluntary quit due to job abandonment. It advised claimant she was terminated when she called in to inquire about her job status late in the day on March 28 that was well after her shift start time.

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 on March 28, 2013.

The claimant knew she had not been granted a leave of absence and she was instructed on what she needed to do to apply for it. She left work when she was denied another job that would have been a promotion and called in absences from work for non-excusable reasons for at least six days. Her failure to call in and report for work for three days, March 24, 25 and 28 is a voluntary quit without good cause as the employer did not terminate her for the extended absenteeism.

DECISION:

The department decision dated April 26, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on March 28, 2013. 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 the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs