

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTINA M WALKER
Claimant

APPEAL NO. 07A-UI-04054-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FBL FINANCIAL GROUP INC
Employer

**OC: 03/25/07 R: 02
Claimant: Appellant (1)R**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Kristina Walker (claimant) appealed a representative's April 11, 2007 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with FBL Financial Group (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 7, 2007. The claimant participated personally. The employer participated by Sara Deich, Human Resources Specialist, and Jodi Winslow, Mutual Fund Operations Assistant Manager. The employer offered one exhibit which was marked for identification as Exhibit One. Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 21, 2006, as a full-time customer service representative 2. The claimant signed for receipt of the company handbook on August 21, 2006. The employer has a policy that an employee will be considered to have quit if the employee is absent for three days without giving notice to the employer.

On March 9, 2007, the claimant telephoned the employer saying she was having contractions and would probably be going to the hospital to give birth to her child. On March 12, 2007, the claimant left a voicemail for the employer 90 minutes after the start of her shift. She indicated she had a doctor's appointment and labor would more than likely be induced. On March 13, 2007, the claimant went to the hospital in labor and did not notify the employer of her absence. On March 14, 2007, the claimant gave birth to her child and did not call the employer or have any other person notify the employer of her absence from work. On March 15 and 16, 2007, the claimant did not appear for work or notify the employer of her absence. The claimant was physically able to use the telephone. Later on March 16, 2007, the employer telephoned the claimant at the hospital. The employer considered the claimant to have voluntarily quit work

due to her absence from work on March 12, 13, 14, 15 and 16, 2007, without proper notification to the employer. Continued work was available had the claimant properly reported her absences.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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 claimant was absent from work for four days without giving notice to the employer. The employer has a rule that if the employee is absent without notice to the employer for three days the employee is deemed to have voluntarily quit. The claimant is deemed to have voluntarily quit based on her absence from work for four days without giving notice to the employer. There is no evidence of good cause attributable to the employer.

The issue of whether the claimant is able and available for work is remanded for determination.

DECISION:

The representative's April 11, 2007 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The issue of whether the claimant is able and available for work is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css