

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDI C COAKER
Claimant

APPEAL NO. 11A-UI-08034-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALORICA
Employer

OC: 05/15/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated June 16, 2011, reference 02, that denied unemployment insurance benefits. After due notice, a telephone hearing was held on July 14, 2011. Claimant participated personally. Although duly notified, the employer did not participate.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Brandi Coaker was employed by Alorica as a full-time customer service representative from November 2010 until May 10, 2011 when she voluntarily left employment by discontinuing to report for scheduled work for three or more consecutive work days. Ms. Coaker was paid by the hour. Her immediate supervisor was Sue McCoy.

Ms. Coaker was separated from her employment with Alorica after she failed to make herself available for work and failed to notify the employer of her impending absence in an approximately one-week period. At the time of hire the claimant was aware that her work schedule and hours might fluctuate. When the claimant experienced some difficulty in working her most recently assigned hours, she was initially allowed time off by Alorica to make child care arrangements. When the claimant had not made sufficient child care arrangements and did not return to work or provide notification to the employer for an extended period claimant was considered to have voluntarily relinquished her position with the company.

It is the claimant's position that she did not return to work because a supervisor had not returned an initial telephone call made by the claimant.

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.

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 § 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.

An employer is entitled to expect employees will report for work as scheduled or to be notified when and why the employee is unable to report to work. Inasmuch as the claimant failed to report to work or notify the employer for three or more consecutive work days in violation of the employer's policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. The claimant had insufficient child care arrangements for a substantial period of time and did not notify her employer on a daily basis of her impending absences. Benefits are withheld.

DECISION:

The representative's decision dated June 16, 2011, reference 02, is affirmed. The claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs