

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TANNER J BREESE**  
Claimant

**APPEAL NO. 17A-UI-05400-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STEEL & WIRE CO**  
Employer

**OC: 04/9/17**  
**Claimant: Appellant (1)**

Iowa Code § 96.5 (1) – Leaving Employment

**STATEMENT OF THE CASE:**

The claimant, filed a timely appeal from a representative's decision dated May 12, 2017 reference 01, was denied unemployment insurance benefits finding that the claimant voluntarily left work on December 2, 2016 without good cause attributable to the employer. After due notice was provided, a telephone hearing was held on June 7, 2017. Claimant participated. The employer participated by Cliff Jones, Human Resource Manager.

**ISSUE:**

Whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: Tanner Breese was employed by Iowa Steel & Wire Co. from June 3, 2016 until June 2nd, 2017 when he discontinued coming in or reporting for work because he was incarcerated. Mr. Breese was employed as a full-time welding department stacker and was paid by the hour.

Mr. Breese last reported for scheduled work on Monday, November 28, 2016, after that date he did not report for work and did not contact the employer to provide a reason for his absences. Company policy requires employees to call in each day that they are going to be absent from work. If an employee fails to report for scheduled work and fails to call in for three or more consecutive work days, they are considered to have abandoned their job by the company.

After being absent for approximately 18 days, Mr. Breese did not contact his employer upon being released to determine his job status or to explain why he had failed to report or notify his employer of his impending absences. Mr. Breese had not requested time away from work in advance or been approved to be absent for the days in question. He assumed he had been terminated.

## REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes the claimant voluntarily 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.

Iowa Admin. Code r. 871-24.25(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 employer expects employees to report as scheduled or be notified when and why the employee is unable to report for work. Inasmuch as the claimant failed to report to work or to 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. Mr. Breese did not notify his employer during his absence, nor attempt to save his employment by contacting the company after he was released from incarceration. Benefits are denied.

**DECISION:**

The representative's decision dated May 12, 2017, ref 01 is affirmed. The claimant voluntarily left employment without good cause attributable to the employer, benefits are withheld until the he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided the he is otherwise eligible.

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Terry P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

scn/scn