

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**HAROLD L PAYNE**  
Claimant

**INNOVATIVE INJECTION**  
Employer

**APPEAL 15A-UI-08506-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/05/15  
Claimant: Appellant (1)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the July 24, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment because he lost his transportation to work which is not a good-cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on August 20, 2015. Claimant Harold Payne participated on his own behalf. Employer Innovative Injection did not participate.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as an Operator 2 beginning in August 2013, and was separated from employment in June 2015. He worked Monday through Friday and his shift began at 3:00 p.m. The claimant lost his transportation to work during the week beginning June 15, 2015. That Monday, he took a cab to work. On Tuesday, June 16, 2015, he called into work and reported he would not be there due to transportation issues. He continued to call in through Thursday, June 18, 2015. The claimant missed the next week of work without notifying the employer he would be absent or why. He then called and left a voice message for the Human Resources representative. He explained that he believed he had been terminated and would be returning the employer's property. The claimant believed he had been terminated because the employer has a policy that after three days of not calling in and not attending work, the employer terminates the employee. On his next paycheck, the cost of the employer's property was withheld, as per the standard practice, until such time as the claimant could return the property.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

As a preliminary matter, the claimant voluntarily left his employment and was not discharged by the employer. No one working for the employer ever told the claimant that he was discharged. The issue is whether the claimant voluntarily left his employment for a good-cause reason 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(1) and (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:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant did not go to work because he did not have transportation. He then discontinued calling into work indicating he no longer wanted to continue the employment relationship. The claimant voluntarily quit his employment without good cause attributable to the employer under Iowa law.

Alternatively, an employer is entitled to expect its employees to report to 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 for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer.

Finally, as a general issue, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. Since the claimant did not follow up with management personnel to discuss his employment status and his

assumption of having been fired was erroneous, his failure to continue reporting to work was an abandonment of the job.

The claimant has not met his burden of proof to show his separation was a voluntary quit with good cause attributable to the employer. Therefore, benefits are denied.

**DECISION:**

The July 24, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Stephanie R. Callahan  
Administrative Law Judge

---

Decision Dated and Mailed

src/mak