

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY L VIET
Claimant

APPEAL NO. 08A-UI-11549-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IPC INC
Employer

**OC: 10/26/08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 2, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 23, 2008. Claimant participated. Employer participated by Jackie Winters, Human Resource and Safety Manager. Exhibits One and A were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 2, 2008. Claimant was having problems with his feet. Claimant called in on December 3, 2008 to report his absence. Claimant was then absent the next three days in a row without calling in. Claimant missed December 4, 2008; December 5, 2008 and December 6, 2008. Claimant thought the first call in would cover all his time off until his feet were better. Employer's policy deems three no call absences as a voluntary quit. Claimant was aware of the policy.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit without good cause attributable to employer when employer terminated the employment relationship because of three no call absences in a row. Claimant was aware of the policy. Claimant had a duty to keep the employer informed of his absences on a daily basis until he received a doctor's note. Claimant did not properly notify the employer three days in a row and was deemed a quit. This is a quit without good cause attributable to employer. Benefits withheld.

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.

DECISION:

The decision of the representative dated December 2, 2008, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs