

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JONATHON MADISON
Claimant

APPEAL NO: 15A-UI-10773-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FLIGG HOLDING COMPANY INC
Employer

OC: 07/26/15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 23, 2015, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 13, 2015. The claimant participated in the hearing. Roger Short, Project Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time insulator for Fligg Holding Company from August 3, 2015 to August 14, 2015. He voluntarily quit his job by failing to call the employer or show up for work for three days and then asking for his check.

The claimant stated he sent a text message to Project Manager Roger Short late in the evening on August 10, 2015, notifying him that his father died and he needed to go out of town for the funeral. Mr. Short did not respond and the claimant did not attempt to contact him again until Friday, August 14, 2015. The reason Mr. Short did not respond was because he never received the text message from the claimant August 10, 2015. The claimant attempted to call Mr. Short about his check August 14, 2015, but could not reach him. The claimant then went in to the office to pick his check up and was told it had automatically been mailed because he was not there the last three days. The claimant did not attempt to call Mr. Short again and assumed his employment was terminated.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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.

While the claimant may have texted Mr. Short August 10, 2015, to inform him that his father had died and he needed to be gone for a few days to attend his funeral, Mr. Short never received that text. Given the nature of the claimant's text and the fact Mr. Short did not respond, it would have been reasonable for the claimant to try to call Mr. Short August 11, 2015, to insure he received his first text message and knew why the claimant was absent. It is not uncommon for employees in this field to voluntarily quit their jobs by failing to return to work after a few days and when the claimant did not report for work August 11, 12, 13 or 14, 2015, Mr. Short understandably believed the claimant quit his job. Finally, when the claimant did contact the employer he only asked for his check and did not ask where to report for work either August 14 or August 17, 2015, which contributed to Mr. Short's belief he was quitting his job. In this situation the claimant bore the responsibility of making sure the employer knew he was going to be absent and why and for asking the employer where he should report for his next shift. The claimant failed to do any of those things. Consequently, the administrative law judge must conclude the claimant voluntarily quit his job and has not established his leaving was for good cause attributable to the employer as that term is defined by Iowa law.

DECISION:

The September 23, 2015, reference 03, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs