

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEROME BROOKS**  
Claimant

**APPEAL NO. 14A-UI-12591-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRADESMEN INTERNATIONAL INC**  
Employer

**OC: 09/28/14**  
**Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated November 24, 2014 (reference 06, amends 04) which denied unemployment benefits, finding that the claimant voluntarily quit work on September 18, 2014 by failing to report to work for three days and not notifying the employer of the reason. After due notice was provided, a telephone hearing was held on January 5, 2015. Mr. Brooks participated personally. Although duly notified, the employer did not respond to the notice of hearing and did not participate.

**ISSUE:**

At issue is whether the claimant quit 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: Jerome Brooks began employment with Tradesmen International, Inc., a temporary employment service, in July 2014. Mr. Brooks was paid by the hour and was assigned to work at various client employer locations, doing a variety of job duties.

It appears that Mr. Brooks had been removed from a job assignment on or about September 18, 2014 when he was unable to report to work due to transportation issues. Mr. Brooks complied with company policy by personally notifying the temporary employment service of his impending absences and the reasons for them. The claimant was subsequently reassigned to other client locations on different job assignments and last worked for this employer approximately December 5, 2014.

Mr. Brooks specifically denies failing to report for scheduled work or failing to notify his employer of any impending absences.

## REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left his employment with Tradesmen International, Inc. by failing to report for scheduled work for three consecutive days and not providing to the employer any reasons for his absences. It does not.

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.

In the case at hand, Mr. Brooks participated personally and provided sworn testimony. Mr. Brooks testified that on occasion that he never failed to report for scheduled work without notifying his employer of the reason for his impending absence and that the absences were excused by his employer. The claimant testified that his only absences that occurred in the month of September 2014; occurred when he was having unexpected transportation problems. The claimant further testified that on each occasion, he personally notified the temporary employment service of his inability to report for scheduled work and the reason for it, and that his absences were excused by the employer at that time.

The administrative law judge finds the claimant to be a credible witness and finds that his testimony is not inherently improbable. The administrative law judge concludes that the evidence in the record does not establish the claimant quit employment without good cause attributable to the employer, by failing to report to work for three consecutive days in a row without notifying the employer of the reasons. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

**DECISION:**

The representative's decision dated November 24, 2014 (reference 06, amends 04) is reversed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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