

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY JONES
Claimant

APPEAL NO: 09A-UI-15015-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MATRIX METALS LLC
Employer

OC: 08/23/09
Claimant: Appellant (5)

Iowa Code § 96.5-1 - Voluntary Quit
871 IAC 24.25(4) - Voluntary Quit Without Good Cause

STATEMENT OF THE CASE:

Randy Jones (claimant) appealed an unemployment insurance decision dated September 28, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he was discharged from employment with Matrix Metals, LLC (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 5, 2009. The claimant participated in the hearing with union representative Tom Petty. The employer provided a telephone number but was not available when that number was called for the hearing, and therefore, did not participate. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time welder from May 27, 1988 through August 12, 2009. He sustained a non-work-related medical injury on July 27, 2009. His physician took him off work from July 28, 2009 through August 7, 2009. The claimant had provided the employer with that medical excuse and that was the only medical documentation the employer received.

The claimant returned to the doctor on August 7, 2009 and the doctor took him off work until August 21, 2009. The claimant did not contact the employer until August 13, 2009 when he learned he was considered to have voluntarily quit his employment. The doctor's office advised the claimant it was going to fax over the medical documentation but the employer never received anything.

The employer's attendance policy provides an employee is considered a voluntary quit if he is a no-call/no-show for three consecutive workdays. The claimant was a no-call/no-show for three days ending on August 12, 2009 and he was considered to have voluntarily quit his employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

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 § 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 § 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 claimant was deemed a voluntary quit on August 12, 2009 after three days of no-call/no-show. Regardless of what the doctor's office said they would do, it was the claimant's responsibility to ensure the medical excuse was provided to the employer in a timely manner and he failed to do this. It is his burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant failed to meet his burden and benefits are denied.

DECISION:

The unemployment insurance decision dated September 28, 2009, reference 01, is modified with no effect. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css