

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLA J RENTERIA
Claimant

XL FOUR STARS
Employer

APPEAL NO: 12A-UI-10542-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/13/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 27, 2012, reference 05, that held she voluntarily quit without good cause attributable to her employer on July 5, 2012, and benefits are denied. A telephone hearing was held on September 28, 2012. The claimant did not participate. Julie Avalos, Benefits Coordinator, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time production employee from January 30, 2012 to June 27, 2012. The claimant had provided the employer with a doctor's note on June 21 about a health issue, but did not return to work.

Claimant failed to call in and report for scheduled work on July 2, 3 & 5. The employer policy is this is considered a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to job abandonment on July 5, 2012.

The claimant failed to provide the employer with a medical excuse or other reason as to why she failed to report or call in for work for July 2, 3 & 5.

DECISION:

The department decision dated August 27, 2012, reference 05, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on July 5, 2012 when she failed to check in for work. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs