

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW A BRIDE
Claimant

APPEAL NO: 19A-UI-01925-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE WORKSOURCE INC
Employer

OC: 02/03/19
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 27, 2019, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 20, 2019. The claimant participated in the hearing. Keila Zarate, Administrative Clerk, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

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 machine operator for The Worksource last assigned to Quantum Plastics from April 3, 2018 to October 4, 2018. He voluntarily left his employment by failing to call the employer or notify it of his absence for three consecutive workdays, October 2 through October 4, 2018, in violation of the employer's policy. The claimant was ill and was hospitalized for a period of time (no dates provided) but did not contact the employer while he was in the hospital or when he was released from the hospital.

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, regardless of the source of the individual's wage credits:

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.

Inasmuch as the claimant failed to report for work or notify the employer for three consecutive work days in violation of the employer's policy, he is considered to have voluntarily left his employment without good cause attributable to the employer. The evidence does not establish that the claimant could not call the employer from the hospital, but even if he could not, the claimant did not contact the employer upon his release from the hospital. Under either circumstance, the claimant's actions evinced an intention to leave his employment with The Worksource and he has not demonstrated that his leaving was for good cause attributable to the employer. Therefore, benefits must be denied.

DECISION:

The February 27, 2019, reference 01, 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/scn