

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA MAYS**  
Claimant

**APPEAL NO. 12A-UI-09004-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KINSETH HOTEL CORPORATION**  
Employer

**OC: 06/24/12**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Kinseth, filed an appeal from a decision dated July 17, 2012, reference 01. The decision allowed benefits to the claimant, Rhonda Mays. After due notice was issued a hearing was held by telephone conference call on August 21, 2012. The claimant participated on her own behalf. The employer participated by Executive Housekeeper Laura Kohn and was represented by Employers Unit in the person of Jackie Nolan.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Rhonda Mays was employed by Kinseth from April 2009 until June 23, 2012 as a part-time housekeeper. At the time of hire she received a copy of the employee handbook. One of the policies notifies employees that three consecutive days of being no-call/no-show for a scheduled shift will be considered a voluntary quit.

Ms. Mays called in absent due to illness on June 18, was not scheduled June 19, called in sick again on June 20, 2012. She was no-call/no-show to work for scheduled shifts on June 21, 22 and 23, 2012. She knew she should call in to report any absence but did not have a phone of her own and her sister, who lives next door, was not home so she could use that phone.

**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.

Ms. Mays is considered a voluntary quit by operation of law for being no-call/no-show to work for three days. It is her responsibility as an employee to notify the supervisor if she is not going to report for a scheduled shift. This responsibility includes having a reliable phone or at least access to one. Under the provisions of the above Administrative Code section, this is a quit work with good cause attributable to the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of July 17, 2012, reference 01, is reversed. Rhonda Mays is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs