

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RACHID AARROUCH
Claimant

APPEAL NO. 12A-UI-12564-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTEEL INC
Employer

**OC: 09/30/12
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Leave

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated October 16, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on November 15, 2012. The claimant participated personally. Participating on behalf of the employer was Ms. Sandra Linin, Hearing Representative and witness, Ms. Emily Bennett, Human Resource Generalist.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Rachid Aarrouch was employed by Allsteel Inc. from May 22, 2006 until September 5, 2012 when the employer reasonably concluded that the claimant had relinquished his position with the company by failing to return from a leave of absence that was to have ended on June 18, 2012.

The claimant had not been authorized to be away from work after June 18, 2012. However, the employer had kept the claimant's job position open for him for a period of time and had sent two letters to the claimant in June and July of 2012 attempting to determine why the claimant had not returned from his approved time away from work from May 29, 2012 through June 18, 2012.

Mr. Aarrouch believed that the company would keep his job open for him for an extended period as they had done so on one occasion in the past. On that occasion the claimant had personally contact the employer and requested an extension of the time that he could be away from work.

At the end of June of 2012 the claimant had left a voicemail for the company requesting the employer to call him. The employer was unable to make an oversees call to the number that the claimant requested. Mr. Aarrouch did not personally contact his employer to request an extension of the time that he could be away from work and relied upon other individuals to provide that information. The information was not received by the employer.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in record establishes that the claimant left the employment with good cause attributable to the employer. It does not.

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.

In this matter the claimant relinquished his position with Allsteel Inc by failing to return from an approved vacation period not providing the employer reasonable explanation at the time or receiving approval from the employer to extend his vacation period. The claimant left for an extended period of time beyond the approved time that he was to be away from work from May 29, 2012 through June 18, 2012 and left only a voicemail for the employer to call him back at an overseas number. It appears that the claimant attempted to fax a medical statement regarding his mother's health to the employer. However, the claimant did not request an extension of the period of time that he could be away from work or provide reasonable information to the employer so that the employer could make a rational decision as to whether to allow the claimant to be gone for a very extended period of time. In the past the claimant had had a period of absence extended with the employer's approval because he had personally contacted the employer and requested approval to be gone longer. In this instance, Mr. Aarrouch did not make contact with his employer and was not approved to be away from work for months beyond the anticipated return date of June 18, 2012.

For the reasons stated herein the administrative law judge concludes the claimant's failure to report for work for an extended period without providing proper notification to the employer resulted in the employer's reasonable conclusion that the claimant had voluntarily relinquished his position with the company under disqualifying conditions. Benefits are withheld.

DECISION:

The representative's decision dated October 16, 2012, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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