

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENJAMIN L AYERS
Claimant

APPEAL NO: 11A-EUCU-00111-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES - MARSHALLTOWN
Employer

OC: 12/14/08
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 January 25, 2011, reference 07, that held he voluntarily quit without good cause on September 14, 2010, and benefits are denied. A telephone hearing was held on February 28, 2011. The claimant participated. Judy Rebik, Manager, 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 on assignment at Richelieu Foods as a full-time production worker from July 1, 2010 to September 14. A Richelieu employer contacted the employer that claimant failed to call in and report for work on September 15 AND 16.

Manager Rebik called claimant on September 17 and left a message about his work status but he did not respond. Claimant called on September 23 about whether Richelieu forwarded his timesheet, but did not inquire about his employment. Claimant signed an availability statement that included the employer policy he needed to call in and report any absence from work.

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 his employer due to job abandonment effective November 14, 2010.

The claimant failed to call in or report to work for three days (September 15 – 17) that is considered job abandonment by the employer.

DECISION:

The department decision dated January 25, 2011, reference 07, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on September 14, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css