

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD A HARRIS

Claimant

APPEAL NO. 11A-UI-08927-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC

Employer

OC: 06/12/11

Claimant: Appellant (1)

Section 96.5-1—Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 6, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 29, 2011. Employer participated by Mike LeFevre, Plant Human Resources Manager. Claimant participated personally with Jackie Harris as a witness.

ISSUE:

The issue in this matter is whether claimant quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed from March 26, 2007 through June 10, 2011. He was scheduled to work on June 7 but did not report for work or call in. He was also no-call/no-show on June 8 and June 9. He was specifically advised on June 6, 2011 that he would lose his job if he failed to report for work on June 7.

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 claimant quit his employment by failing to report for work or notify the employer of his absence for three days in violation of specific instructions from his employer. This is a voluntary quit without good cause attributable to the employer.

DECISION:

The decision of the representative dated July 6, 2011, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/css