

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BUNCHAN THONGSY

Claimant

APPEAL NO. 14A-UI-01263-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PACKERS SANITATION SERVICES INC

Employer

OC: 01/05/14

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 28, 2014, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 25, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Andrea Stelpslug participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked as a sanitation laborer for the employer from June 4, 2013, to January 2, 2014. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled and were considered to have voluntarily quit employment after three days of absence without notice to the employer. The claimant had received a suspension for unexcused absences in August 2013. An employee's absence is unexcused if it is not reported properly or the employee does not have a legitimate excuse for the absence. A supervisor told him that he was close to losing his job because of his absences.

The claimant was absent without notice to the employer on January 3, 6, and 7. He was sick and he did not call in or contact the employer again because he assumed he was going to be fired. The employer considered the claimant to have quit under its policy.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

The unemployment insurance rules state that a claimant absent for three days without giving notice to employer in violation of company rule is presumed to have quit employment without good cause attributable to the employer. 871 IAC 24.25(4).

The claimant failed to return to work or notify the employer regarding his absences in violation of a known work rule. He is considered to have voluntarily quit employment without good cause attributable to the employer because he had received no direct information from the employer that he was actually discharged when he stopped reporting to work.

DECISION:

The unemployment insurance decision dated January 28, 2014, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs