

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Watkins began working for Holiday Inn on April 7, 2005 as a full-time cook. He walked off the job before the end of his shift on August 12 and did not thereafter return to work. Just prior to his leaving, a plate had accidentally fallen off the service window. For some reason, this caused Mr. Watkins to walk out.

The employer has a written rule, of which Mr. Watkins was aware, that provides that three consecutive unreported absences will be considered a voluntary quit. Mr. Watkins was scheduled to work August 13, 15, and 16. He did not contact the employer on any of the three dates. Continued work would have been available if Mr. Watkins had continued reporting for work. He had not notified the employer of any work-related problems that might cause him to quit.

Mr. Watkins has been paid a total of \$620.00 in job insurance benefits since filing his claim effective August 14, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Watkins was separated from employment for any disqualifying reason. He abandoned his job when he stopped reporting for available work. Therefore, the separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). An individual who is absent for three consecutive days without notice in violation of a known company rule is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(4). Mr. Watkins has not presented any evidence that would overcome the presumption. Inasmuch as the evidence of record does not establish any cause attributable to the employer for the quit, benefits are denied.

Mr. Watkins has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated September 6, 2005, reference 03, is hereby reversed. Mr. Watkins voluntarily quit his employment with Holiday Inn for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Watkins has been overpaid \$620.00 in job insurance benefits.

cfc/kjw