

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHASE A VANDESTOUWE
Claimant

DEWILD GRANT RECKERT & ASSOC
Employer

APPEAL 20A-UI-12991-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 8, 2020 (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit because of an absence of more than ten days. The parties were properly notified of the hearing. A telephone hearing was held on December 21, 2020. The claimant Chase A. Vandestouwe did not participate but claimant's non-attorney representative Lisa Vandestouwe participated and testified on his behalf. The employer Dewild Grant Rekert & Associates participated through Marlin Overman and Curt Dieren.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as an electrical design technician from April 20, 2017, until this employment ended on April 16, 2020, when he voluntarily quit.

In mid-December 2019, claimant stopped coming into the office without notifying employer. Employer attempted to reach out to claimant on multiple occasions by phone, email, and text message. Eventually employer reached claimant and he indicated he had some personal issues to address. Employer allowed claimant to work remotely. However, claimant logged 24 hours per week as opposed to the typical 45 hours he worked in the office. The last day claimant logged any work or hours was January 28, 2020.

On February 12, 2020, employer sent claimant FMLA information but claimant did not request FMLA leave. On March 2, 2020, employer notified claimant he was being placed on part-time status. Throughout March 2020, employer scheduled meetings for claimant to come into the office to discuss his job but claimant failed to show up or stay in contact with employer. In mid-

March 2020, claimant stopped responding to employer's attempts to contact him. On April 16, 2020, employer ended claimant's employment for failing to report any work or hours or to show up for any schedule appointments with employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment without good cause attributable to employer.

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.

Iowa Admin. Code r. 871-24.25(20) provides:

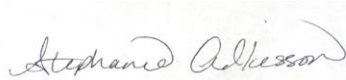
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Claimant did not notify employer that he was going to begin working remotely due to personal issues; however, employer allowed claimant to do so once it learned of the situation. Claimant ceased performing any work at the end of January 2020 and beginning in March 2020 failed to stay in regular communication with employer. He did not indicate when or if he would return to his position. An employer is entitled to expect its employees to report to work as scheduled or to be notified when and why the employee is unable to report to work. Since claimant did not follow up with the employer regarding his ability to return to work, his failure to continue reporting to work or to otherwise maintain contact with the employer was an abandonment of the job. Benefits are denied.

DECISION:

The October 8, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without 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 benefit amount, provided he is otherwise eligible.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 13, 2021
Decision Dated and Mailed

sa/mh

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.