

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JARED G GUZMAN
Claimant

APPEAL NO. 09A-UI-02967-E2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BURKE MARKETING CORPORATION
Employer

OC: 02/01/09
Claimant: Appellant (1)

Iowa Code § 96.5- 1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed the February 23, 2009, reference 01, decision that concluded the claimant had quit his employment.. A telephone hearing was held on April 9, 2009, pursuant to due notice. The claimant did not participate. The employer participated through Terry Ubben, Human Resources Manager and Shelly Seibert. Ike Rocha was available to provide interpretation. Exhibit One, pages 1 – 5, was admitted into evidence.

ISSUE:

The issue is whether claimant voluntary quit his employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant failed to report for work or notify the employer of her absences for three consecutive scheduled workdays on January 25, 26, and 27, 2009 in violation of the employer's policy. The employer has a policy, which was provided to the claimant, which requires employees to call in and states that three days of no-call will lead to termination.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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 § 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 § 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.

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. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive workdays in violation of the employer policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The February 23 , 2009, reference 01, decision is affirmed. The claimant voluntarily left 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.

James Elliott
Administrative Law Judge

Decision Dated and Mailed

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