

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENDRA K LYONS**

Claimant

**APPEAL NO. 08A-UI-09819-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF CEDAR RAPIDS**

Employer

**OC: 07/06/08 R: 04  
Claimant: Respondent (4)**

Section 96.5(1)g – Quit/Requalification

**STATEMENT OF THE CASE:**

The employer, Manpower, filed an appeal from a decision dated October 20, 2008, reference 01. The decision allowed benefits to the claimant, Kendra Lyons. After due notice was issued a hearing was held by telephone conference call on November 7, 2008. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Administrative Assistant Barb Kotz.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Kendra Lyons was employed by Manpower from April 10, 2007 until April 25, 2008. Her last assignment was with the Child Support Recovery Unit beginning April 10, 2008, and was to last four to six months. Her last day of work was April 16, 2008, and she was no-call/no-show to work after that date.

Ms. Lyons filed a claim for unemployment benefits with an effective date of July 6, 2008, and her weekly benefit amount is \$33.00. Prior to filing her claim, but subsequent to her separation from Manpower, she earned \$427.00 from a subsequent employer.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

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 is considered a voluntary quit without good cause attributable to the employer because she was no-call/no-show to work for seven days. This is a disqualifying separation. However, she has requalified for benefits by earning at least ten times her weekly benefit amount from a subsequent employer.

**DECISION:**

The representative's decision of October 20, 2008, reference 01, is modified in favor of the appellant. Kendra Lyons is qualified for benefits, provided she is otherwise eligible. However, the account of Manpower shall not be charged with benefits paid to the claimant.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs