

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**LUKE HARTUNG**  
Claimant

**FOCUS SERVICES LLC**  
Employer

**APPEAL 15A-UI-01062-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/14/14**  
**Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 14, 2015, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 18, 2015. Claimant did not participate. Employer participated through Jaki Schaefer, Recruiter and Human Resources Representative.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a customer service representative beginning on June 19, 2014 through July 8, 2014 when he was considered a voluntary quit. The claimant was in his training period and the employer expected perfect attendance. During training he worked from 3:00 p.m. until 9:00 p.m. The claimant left early on June 24, was excused on June 25. He was a no-call no-show for work on July 3, 8 and every day thereafter. The employer attempted to contact him but was never able to reach him. The claimant did not return to the employer and ask for his job back until sometime in February 2015 some seven months after quitting. Nor is there any evidence that he needed to be absent for any type of family emergency. The claimant simply abandoned his job.

While the issue of overpayment is listed on the hearing notice, the claimant has not received any unemployment insurance benefits, thus the issue is moot.

**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.

Iowa Admin. Code r. 871-24.25(20), (27), (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:

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

(27) The claimant left rather than perform the assigned work as instructed.

4) The claimant was absent for three days without giving notice to employer in violation of company rule.

871 IAC 24.25(4) 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant stopped showing up for work and stopped calling to report his absence. He abandoned his job and is considered to have voluntarily quit. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The January 14, 2015 (reference 03) decision is reversed. The claimant voluntarily left his 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. Inasmuch as no benefits were claimed or paid, no overpayment applies.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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