

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**STACY J SPENCE**

Claimant

**APPEAL NO. 17A-UI-07245-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EGS CUSTOMER CARE INC**

Employer

**OC: 06/11/17**

**Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 10, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 2, 2017. Claimant participated and had witness Summer Spence. Employer participated by Turkessa Newsone.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 6, 2017. Claimant was a no-call/no-show for work on January 10-12, 2017 and was deemed to be a voluntary quit at that time.

Employer stated that they'd received contact from claimant on January 9, 2017 alerting employer that claimant was out for personal reasons. Employer stated that they'd received no further contact from claimant.

Claimant stated that she had the flu on January 9, 2017 and went to the doctor after contacting her employer to alert. At the doctor, claimant stated she received a note saying she should be off of work for 5 days. Claimant stated that she gave her daughter the note to take to work on January 10, 2017. Claimant's daughter stated that there was no one in the human resources office when she went by between 8:30 and 9:00am to deliver the note, so she gave it to the receptionist nearby and asked that she give it to human resources. Claimant stated she called employer on January 12, 2017 just to check in and was told that she'd been terminated for being a no-call/no-show for three consecutive days.

Employer stated it specifically instructs all receptionists not to accept doctors' notes because of potential HIPPA problems. Additionally, employer stated that at the time of hire claimant and all hires are told that they are to place medical documentation in a box immediately outside of the human resources office. Employer additionally stated that she'd double checked all files to make sure that there were no doctors' notes and no documentation of contact – other than the excused absence on January 9, 2017.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(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 administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was a no-call/no-show for work for three consecutive days. Claimant and her daughter did not follow company protocol that they'd been taught at the time of hire in reporting absences and giving doctors' notes to employer. Claimant's witness' statement that she gave the doctor's note to the receptionist does not comport with employer's rules that the receptionist is not to accept the notes because of HIPPA regulations, and does not make sense in light of the fact that there was a mailbox outside of the human resources office declaring that this is where doctors' notes are to be left.

Claimant admitted she did not call employer on January 10, 11, or 12, 2017. The three days of not contacting, not showing for work, and not providing doctor's documentation create a situation where it is reasonable for employer to assume a quit.

**DECISION:**

The decision of the representative dated July 10, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/rvs