

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CANDICE M MULLINS**  
Claimant

**APPEAL NO. 12A-UI-10677-VST**

**LANCE PRIVATE BRANDS LLC**  
Employer

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/29/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated August 24, 2012, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 1, 2012. The claimant participated personally. The employer participated by Karen Taylor, human resources manager. The record consists of the testimony of Candice Mullins and the testimony of Karen Taylor.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a manufacturer of cookies and crackers. The claimant was hired on November 1, 2007. Her date of separation was August 4, 2011. The claimant was a no-call/no-show on August 1, 2011; August 2, 2011; and August 3, 2011. The employer has a written policy, of which the claimant was aware, that the failure to come to work and notify the employer of the absence, for three consecutive work days would be considered a voluntary quit.

**REASONING AND CONCLUSIONS OF LAW:**

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 evidence established that the claimant had instances of no-call/no-show for three consecutive work days on August 1, 2011, through August 3, 2011. The claimant admitted that she did not call in and that she did not come to work. Her explanation was that she thought she was off on Family Medical Leave Act (FMLA) leave. This testimony is not credible. On July 28, 2012, Karen Taylor told the claimant that she was not eligible for additional FMLA leave since she had exhausted all of her leave with her pregnancy. The claimant's failure to call in to work is puzzling given that she had no FMLA leave and had in fact called in for her next shift. The most reasonable inference from the evidence is that the claimant had made the decision, for personal reasons, to no longer work for the employer. Under these circumstances, the claimant voluntarily quit her job without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated August 24, 2012, reference 02, 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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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs