

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER W SMART
Claimant

APPEAL NO. 07A-UI-06267-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**COMCAST SPECTACOR LP ET AL
GLOBAL SPECTRUM LP**
Employer

**OC: 05/20/07 R: 02
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated June 13, 2007, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 11, 2007. Employer participated by Barbara Craig, Payroll, Katie Johnson, Human Resource Manager and Ron Rideout, Operations Supervisor. Claimant failed to respond to the hearing notice and did not participate. Exhibit A was admitted into evidence.

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 May 3, 2007. Claimant missed three days of work in a row without calling in. Claimant had prior warnings on his record for absenteeism. Claimant never returned to work to ask for further assignment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of job abandonment. Three no call absences is a quit without cause attributable to employer. Benefits withheld.

Iowa Code section 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.

DECISION:

The decision of the representative dated June 13, 2007, reference 01, is reversed. 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. No overpayment has been established.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs