

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA I CORONADO
Claimant

BROCK SERVICES LLC
Employer

APPEAL 16A-UI-12375-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/07/16
Claimant: Respondent (2)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed an appeal from the November 7, 2016, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 6, 2016. Claimant did not participate. Employer participated through DaShara Holt, Human Resources Coordinator. Employer's exhibits one and two were entered and received into the record.

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 craft I worker beginning on January 5, 2016 through September 3, 2016 when she voluntarily quit her employment. The claimant had been given a copy of the employer handbook and policies when she was hired. The handbook put her on notice that if she was a no-call no-show for work for three consecutive work days she would be considered a voluntary quit. The claimant was a no-call no-show for work beginning on September 4 and thereafter. The claimant did not call to report she would be absent. The employer did not hear from the claimant again until over a month later, at which time she was re-hired by the employer.

While the fact-finding representative decision authorized her benefits, the claimant has not received any benefits since her separation in September 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left 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(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.

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 denied.

As the claimant has not been paid any unemployment insurance benefits, the issue of her overpayment of benefits is moot.

DECISION:

The November 7, 2016, (reference 03), decision is reversed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs