

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**MITCHELL W MCCONNELL
1804 CENTRAL AVE #B
DUBUQUE IA 52001**

**EAGLE WINDOW & DOOR INC
ATTN AMY TURNER
PO BOX 1072
DUBUQUE IA 52004**

**Appeal Number: 05A-UI-07213-CT
OC: 01/23/05 R: 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Mitchell McConnell filed an appeal from a representative's decision dated July 1, 2005, reference 03, which denied benefits based on his separation from Eagle Window & Door, Inc. (Eagle). After due notice was issued, a hearing was held by telephone on August 1, 2005. Mr. McConnell participated personally. The employer participated by Amy Turner, Human Resources Representative. Exhibit One was admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. McConnell began working for Eagle on February 21, 2005, as a full-time assembler. He was presumed to have quit when he was absent for three

days without calling in. He was absent April 11, 12, and 13. His hours were from 6:00 a.m. until 2:30 p.m. Mr. McConnell went to the workplace after 3:00 p.m. on April 13 with a doctor's release. He indicated he had not called because he did not have a telephone.

Mr. McConnell was able to leave his home for medical treatment on April 11. He could have called the employer while he was out but did not do so. He was also out and about on April 12 and April 13 but did not call the employer. He knew after receiving medical treatment on April 11 that he would need to be absent a few days. He did not take any steps to notify the employer of his intended absences. Mr. McConnell had been counseled regarding his attendance on March 29 after he was absent March 3 and March 21 due to illness. He was notified during orientation that three consecutive unreported absences would be considered a quit. When he went to the workplace on April 13, he was notified that he no longer had employment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. McConnell was separated from employment for any disqualifying reason. He was absent from work for three consecutive shifts without notice to the employer in violation of a known company rule. An individual who is separated under such conditions is presumed to have voluntarily quit without good cause attributable to the employer. See 871 IAC 24.25(4). The evidence of record does not establish any justification for Mr. McConnell's failure to notify the employer of his absences.

The administrative law judge appreciates that Mr. McConnell did not have a home telephone. However, he was away from his home for a doctor's visit on April 11, the first day of absence. Moreover, he knew after the doctor's visit that he would be absent for at least three days. While he was away from home for the doctor's visit, Mr. McConnell did not take any steps to go to a pay telephone to contact the employer to advise that he would be absent. If he had given notice on April 11 that he planned to be gone for the next two days, he would not have needed to call the employer on April 12 and 13. It is true that he was at the employer's place of business on April 13. However, he went in after the shift was over.

For the reasons stated herein, the administrative law judge concludes that Mr. McConnell quit his employment for no good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated July 1, 2005, reference 03, is hereby affirmed. Mr. McConnell quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/kjw