

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMARA S RICHMOND
Claimant

APPEAL NO: 18A-UI-08740-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COLLIS INC
Employer

OC: 07/22/18
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Leaving
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 9, 2018, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 7, 2018. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing, as required by the hearing notice. Michele Huebner, Human Resources Coordinator, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time powder coat line operator for Collis, Inc. from December 11, 2017 to July 20, 2018. She voluntarily left her employment by failing to call the employer or report for work for three consecutive workdays in violation of the employer's policy.

The claimant called in July 16 through July 20, 2018, and reported she was ill and had a doctor's note. The employer learned on July 19, 2018, the claimant posted on Facebook that she had a job interview and had her fingers crossed that she would be hired for the new job. On July 20, 2018, the claimant exceeded the allowed number of attendance occurrences because she failed to report to work and provide the employer the doctor's note she indicated she had. The claimant never returned the employer's phone call or returned to work.

The claimant filed a claim for benefits effective July 22, 2018, but has not filed a weekly claim for benefits since that date or received any unemployment insurance benefits.

The employer did not participate in the fact-finding interview in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 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.

Inasmuch as the claimant failed to report for work or notify the employer for three consecutive work days, in violation of the employer's policy, she is considered to have voluntarily left her employment without good cause attributable to the employer. Therefore, benefits are denied.

There is no overpayment in this matter because the claimant never made a weekly claim for benefits after initially filing her claim.

DECISION:

The August 9, 2018, reference 01, decision is reversed. The claimant voluntarily left her 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. There is no overpayment in this matter because the claimant never filed a weekly claim for benefits.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn