

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAIANA EDWARDS
Claimant

APPEAL NO. 13A-UI-11046-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MCDONALDS RESTAURANTS OF IOWA
INC**
Employer

OC: 08/11/13
Claimant: Respondent (2)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed an appeal from the September 18, 2013, (reference 02) unemployment insurance decision that allowed benefits. After due notice was issued, a hearing was held on October 25 2013. Claimant participated. Employer participated through Mike Forth, General Manager.

ISSUE:

Did the claimant voluntarily quit her 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 part time as a crew member beginning in December 2012 through August 6, 2013, when she voluntarily quit. The claimant did not properly report her absences by calling in three hours prior to the start of a shift. Under the employer's policy, a copy of which had been given to the claimant any absences that is not properly reported counts as a no-call/no-show and pursuant to the written policy, three no-call/no-shows are considered a voluntary quit. The claimant was a no-call-no-show for work on August 1, 2 and 4. She was told her employment had ended on August 6 based upon her own actions.

The claimant has not received any unemployment insurance benefits based on another fact-finding decision that disqualified her from receipt of benefits.

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.

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 § 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 § 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 withheld.

DECISION:

The September 18, 2013, reference 02, 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/css