

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CODY R LAMIRANDE**  
Claimant

**APPEAL NO: 19A-UI-04528-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SHEARERS FOODS BURLINGTON LLC**  
Employer

**OC: 05/05/19**  
**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 28, 2019, reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 27, 2019. The claimant participated in the hearing with Emily Askvig, Human Resources Supervisor, for his current employer Haggi Manufacturing. The employer provided a telephone number for its witness but she was not available when called for the hearing and did not participate in the hearing on behalf of the employer.

**ISSUE:**

The issues are whether the claimant voluntarily left his employment and whether he has requalified for benefits.

**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 mixer operator for Shearers Foods Burlington from September 13, 2018 to November 27, 2018. He voluntarily quit by failing to call the employer or report to work for three consecutive work days in violation of the employer's policy. The claimant quit to move back to Fort Dodge.

The claimant has requalified for benefits by earning ten times his weekly benefit amount. He has gross wages of \$5,668.64 as of the pay period ending May 3, 2019, and a weekly benefit amount of \$502.00.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer but has requalified for benefits by earning ten times his weekly benefit amount since that separation.

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, he is considered to have voluntarily left his employment without good cause attributable to the employer. The separation is disqualifying. However, the claimant has requalified for benefits by earning \$5,668.64, which is over ten times his weekly benefit amount of \$502.00. Therefore, while the separation was disqualifying, he has requalified for benefits.

**DECISION:**

The May 28, 2019, reference 04, decision is modified in favor of the claimant. The claimant voluntarily left his employment without good cause attributable to the employer but has requalified for benefits by earning ten times his weekly benefit amount of \$502.00.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/scn