

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

ANTHONY L SEWELL  
3221 SE 22<sup>ND</sup> ST APT 305  
DES MOINES IA 50320

ABC SUPPLY CO INC  
C/O TALX – UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-05697-SWT  
OC: 04/17/05 R: 02  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 17, 2005, reference 03, that concluded he voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on June 16, 2005. The parties were properly notified about the hearing. The claimant called in and provided his telephone number for the hearing. Initially when his number was called at the time of the hearing, the phone was busy. A short time later, the administrative law judge had the claimant on the line, but for some reason, the claimant dropped off the line. The administrative law judge made several attempts to contact the claimant afterward, including an attempt just before the record was closed, but the claimant did not answer the phone. The claimant, therefore, did not participate in the hearing. Greg Corwin participated in the hearing on behalf of the employer with a witness, Rhonda Cleveland.

FINDINGS OF FACT:

The claimant worked full time for the employer as a warehouse worker from June 6, 2004 to November 16, 2004. Under the employer's work rules, an employee is considered to have abandoned his job after three days of absence without notice to the employer.

After November 16, 2004, the claimant failed to report to work or call in to notify the employer about his absences. About two weeks later, he contacted his supervisor and stated that he had missed work because of drug problems. He asked to return to work, but his supervisor informed him that he was no longer employed because of his absences without notice to the employer.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 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 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.

The claimant was absent from work without notice to the employer for more than three consecutive workdays. The claimant is deemed to have voluntarily quit his employment without good cause attributable to the employer.

#### DECISION:

The unemployment insurance decision dated May 17, 2005, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/sc