

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN A ORR
Claimant

VOLT MANAGEMENT CORP
Employer

APPEAL NO: 10A-UI-13017-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/15/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 9, 2010, reference 01, that held he voluntarily quit without good cause attributable to his employer on August 1, 2010, and benefits are denied. A telephone hearing was held on November 9, 2010. The claimant participated. Shandrea Caldwell, Recruiting Specialist, participated for the employer. Claimant Exhibit A was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer on assignment at First Advantage as a full-time retention specialist from February 8, 2010 to August 6. The claimant received the employer policy that requires him to call-in and personally report any absence from work. The claimant provided a contact phone number and an emergency contact number to the employer.

The claimant was absent from work at First Advantage from August 6 thru August 13. The employer and First Advantage have no record the claimant reported his absence on any day. The employer called and left voice mail messages to claimant and his emergency contact number questioning why he was absent, and it received no response. The claimant came into work to get his pay check on August 13. When asked why he was absent, claimant responded it was for personal reasons. The claimant offered doctor's notes that excused him from work beginning August 16, and thereafter. The employer terminated the claimant for job abandonment.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment effective August 9, 2010.

The employer established that claimant failed to follow absence notification procedure regarding his absences from August 9 to August 13. The employer testimony is more credible than claimant on the notification issue based on employer policy and the employer attempts to contact claimant and his emergency contact number. The claimant explanation that he (or anyone on behalf) was unable to contact the employer about a health issue is not supported by available medical documentation that claimant could have obtained, as he did for his post-termination absences.

DECISION:

The department decision dated September 9, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on August 9, 2010 when he failed

to report his absences from work. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs