

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANTHONY D MATTHEWS**  
Claimant

**NORDSTROM INC**  
Employer

**APPEAL 17A-UI-10458-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/17/17  
Claimant: Appellant (1)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Anthony D. Matthews (claimant) filed an appeal from the October 6, 2017, reference 01, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment with Nordstrom, Inc. (employer) when he failed to report to work for three days in a row without notification to the employer. The parties were properly notified about the hearing. A telephone hearing began on October 30, 2017 and concluded on November 13, 2017. The claimant participated personally. The employer participated through Human Resources Assistant Brianna Jacobs and Assistant Manager Jamie Woolf and was represented by Ted Valencia of Talx UC Express. Employer's Exhibit 1 was received.

**ISSUE:**

Did the claimant voluntarily leave the employment with good cause attributable to the employer or did the employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Customer Returns Processor beginning on October 22, 2015, and his last day worked was September 15, 2017. The employer has a policy that three no-call/no-show absences are considered job abandonment.

The claimant was scheduled to work Sunday, September 17, 2017 from 10:00 p.m. to 6:00 a.m. He did not report for his shift. Assistant Manager Jamie Woolf attempted to reach him via telephone but was unsuccessful. The claimant was scheduled to work the same shift the following day and he did not report for his shift. Woolf attempted to reach the claimant via telephone but was unsuccessful. She also reached out to his mother, who was his emergency contact. The claimant's mother stated she did not know where he was and she would tell him that they were looking for him. The claimant was scheduled to work the following day and did not report to work. Woolf attempted to reach him, but was unsuccessful. The claimant's employment ended after he missed the three scheduled shifts with no contact.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not discharged but voluntarily left his employment without good cause attributable to the employer. Benefits are denied.

Iowa Code section 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.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The findings of fact show how the disputed factual issues were resolved. After assessing the credibility of the witnesses who testified during the hearing, the reliability of the evidence submitted, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge attributes more weight to the employer's version of events.

An employer is entitled to expect its employees to report to work as scheduled or to be notified when and why the employee is unable to report to work. 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 denied.

**DECISION:**

The October 6, 2017, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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