

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIRSAD HAMZIC
Claimant

CENTRO INC
Employer

APPEAL NO: 11A-UI-08417-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/29/11
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 June 20, 2011, reference 01, that held he voluntarily quit without good cause attributable to his employer on May 23, 2011, and benefits are denied. A telephone hearing was held on August 4, 2011. The claimant, and Enisa Zelenjakovic, his sister, participated. Tracy Lennon, HR Assistant, Rhonda Griffin, Corporate Leader, and Dana Roggenpien, Business Process Pro, participated for the employer. Employer Exhibit One 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 as a full-time inspector from April 24, 2006 to May 13, 2011. The claimant knew it was employer policy to call-in any absence to his leader each day he would miss work. Claimant received the policy on October 2, 2008. The policy further provides that a 3-day (consecutive), no-call, no-show to work, is voluntary job abandonment.

The claimant left a voice-mail message for supervisor Roggenpien on May 16 that he would absent from work on May 16/17 due to having chest pains. The claimant failed to report for work or call-in absences from work on May 18, 19 & 20. Although claimant was released from Mercy Hospital without restriction to return to work on May 18, he failed to contact the employer that day, May 19 and May 20 of his absence from work. When asked during the hearing about the reason for this failure, he responded no reason.

When claimant reported to work on May 23, his supervisor escorted him to HR. When asked about his three-day absence and no-calls, he provided the Mercy Hospital documentation. The claimant did not offer any reason for failing to contact the employer during his three-day absence. The employer advised claimant he had committed job abandonment that is considered a voluntary quit of employment pursuant to employer policy.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment on May 23, 2011.

The claimant received the employer policy that specifically describes the requirement to report absences daily, and a three-day no-call, no-show is voluntary job abandonment. The only medical documentation provided by claimant is he was released to return to work without restriction on May 18, and he offered no reason for his failure to contact the employer at anytime during his three-day absence. The claimant has offered no evidence of good cause that led to his employment separation based on job abandonment.

DECISION:

The department decision dated June 20, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on May 23, 2011. 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