

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OMAR M HADI
Claimant

APPEAL NO: 17A-UI-09447-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RYDER INTEGRATED LOGISTICS INC
Employer

OC: 08/20/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 11, 2017, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 2, 2017. The claimant participated in the hearing with CTS Language Link Interpreter Nabih. Emily Runnells, Human Resources Generalist and Raul Ybanez, Employer Representative, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment for good cause attributable to the employer.

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 material handler for Ryder Integrated Logistics from November 14, 2016 to July 3, 2017. The employer determined he voluntarily quit his job when he failed to return from a planned vacation.

The claimant took vacation from June 17 through July 1, 2017. He called in to report his absences June 17, 18, 19, 24 and 25, 2017, as those were paid days off. He was not required to call the employer June 26 and 27, 2017, because it was unpaid time off. The claimant was scheduled to return to work July 1, 2017, but when he booked his round trip flight he made his return flight on July 6, 2017. Consequently, he did not report for work or contact the employer July 1, 2 or 3, 2017, and the employer sent him a certified letter July 10, 2017, stating he was discharged unless he responded within 48 hours of receipt of the letter disputing the circumstances. The claimant received the letter but did not contact the employer.

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.

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.

The claimant had the option of returning from his vacation a few days early rather than six days late and chose to come back late. He did not notify the employer he was not returning July 1, 2017, as they agreed but rather was returning July 6, 2017. 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. Therefore, benefits are denied.

DECISION:

The September 11, 2017, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn