

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

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605 BLUFF ST  
RM 232  
DUBUQUE IA 52004

APAC CUSTOMER SERVICES INC  
c/o FRICK UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-04822-H2T  
OC: 04-10-05 R: 04  
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, 4th 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 Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 26, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 16, 2005. The claimant did participate. The employer did participate through Rose Walton, Administrative Assistant.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a telephone services representative part time beginning July 10, 1995 through March 4, 2005 when he voluntarily quit. The claimant failed to report to work because he was ill. The claimant did not notify his employer that he was ill and unable to report to work. The claimant last worked on February 3, 2005. The claimant was a no call-no show

for work on February 7, 8, 9. Because the employer knew the claimant did not have a telephone, they allowed extra time for him to report for work or to call to report his absence due to illness. The employer gave the claimant an extra week to call in or show up for work. The claimant came in to the employer's place of business and picked up his paycheck on February 15, 2005. The claimant was told he needed to speak to one of the managers. Instead of waiting for one of them to become free to speak to him, he left. The claimant left saying he would return later, but he never did. The claimant was able to get to the employer's place of business and pick up his check without any problems. During the claimant's period of alleged illness he was never so sick that he was hospitalized nor did he visit a doctor. The next time the claimant contacted the employer was on March 23, 2005. The claimant was told his employment had ended because he was a no call-no show for work for three consecutive days. The employer's policy provides that employees who are a no call-no show for work are considered to have voluntarily quit. The claimant evidenced his abandonment of his job by failing to contact the employer even after February 15.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left 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.

Inasmuch 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. The employer gave the claimant an opportunity to report his absence due to illness yet the claimant did not make any effort to contact the employer after picking up his paycheck on February 15, 2005. Benefits are withheld.

DECISION:

The April 26, 2005, reference 01, decision is affirmed. The claimant voluntarily left 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.

tkh/pjs