

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA J HOWELL
Claimant

APPEAL NO. 09A-UI-19377-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARRY-ON TRAILER INC
Employer

**Original Claim: 07-26-09
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 14, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on February 12, 2010. The claimant did participate. The employer did participate through Stephanie Mahder, Human Resources Manager.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a machine operator, full-time, beginning April 24, 2007, through August 21, 2009, when she voluntarily quit her employment.

The claimant, along with all the employees of the plant, was laid off from July 6 through July 12 and again from July 27, 2009 through August 2, 2009. The claimant returned to work from August 3 through August 14. No employees were laid off from the plant after August 2, 2009.

On August 17 and 18, the claimant called in off work due to family problems. On August 19, the claimant called Ms. Mahder and asked for a week off work, as she was going to try and separate from her husband. The claimant was told that she needed to come in to fill out paper work in order to obtain the leave. The claimant never showed up to fill out the paper work and never again showed up for work.

The claimant failed to report for work or notify the employer of her absences for three consecutive scheduled workdays after August 19, 2009 in violation of the employer's policy, a copy of which had been given to the claimant.

Ms. Mahder never told the claimant that she was laid off work.

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 § 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.

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. 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. Benefits are withheld.

DECISION:

The December 14, 2009, reference 01, decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw