

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAUNCEY BOYERS

Claimant

APPEAL NO: 13A-UI-13960-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION

Employer

OC: 11/10/13

Claimant: Respondent (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the December 12, 2013, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 14, 2014. The claimant did not respond to the hearing notice by providing a phone number where he could be reached at the date and time of the hearing as evidenced by the absence of his name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice. The claimant did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Shawna Brungraber, Executive Team Leader Human Resources and Beth Kolbaum, Executive Team Lead of Logistics, participated in the hearing on behalf of the employer. The administrative law judge takes official notice of the administrative record.

ISSUE:

The issue is whether the claimant voluntarily left his employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time trailer unload flow team member for Target from May 9, 2013 to September 16, 2013. The claimant was a no-call no-show September 5 and 6, 2013. He told the employer he needed to change his availability because he had accepted a second job and the employer stated it would work with him but because the schedule for the week of September 9, 2013, had already been posted he would have to either find replacement workers for the days he was scheduled that week or call in to report he would not be at work. The claimant called in and stated he was ill September 9, 2013, but was a no-call no-show September 10 through September 14, 2013, and the employer determined he voluntarily quit by abandoning his job September 16, 2013. The employer had continuing work available for the claimant.

The claimant has not received any unemployment insurance benefits since his separation from this employer because of an intervening disqualifying separation.

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 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 more than 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 December 12, 2013, reference 03, decision is reversed. 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. The claimant has not received any benefits since his separation from this employer. Consequently, there is no overpayment.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs