

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMEY M MILLS
Claimant

APPEAL NO. 12A-UI-11657-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTEEL INC
Employer

OC: 08/26/12
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated September 19, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 23, 2012. The claimant participated. The employer participated by Ms. Deniece Norman, Hearing Representative and witness Jason Mucciarone, Human Resource Generalist. Employer's Exhibits One and Two were received into evidence.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Mr. Jamey Mills was employed by Allsteel Inc. from May 5, 2006 until July 24, 2012 when he was separated by the employer for failure to call or report his impending absences for three or more consecutive work shifts. Mr. Mills was employed as a full-time machine operator and was paid by the hour.

On July 18, Mr. Mills called his employer to report that he had been incarcerated and unable to report for work. Although the claimant was released later that morning he did not re-contact the employer. The claimant instead traveled to Iowa City to accompany his daughter who was undergoing psychiatric treatments. Mr. Mills did not again call the employer to report his impending absences and was considered to be a "no-call/no-show" by the employer until July 24, 2012 when the employer concluded the claimant had left employment as he had not contacted the company or reported for scheduled work for three or more consecutive workdays.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that Mr. Mills left employment with good cause attributable to the employer. It does not.

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.

The claimant is considered to have left his employment with Allsteel Inc. because the claimant failed to report for scheduled work for three or more consecutive workdays and failed to notify the employer as required by company policy.

An employer is entitled to expect its employees to report for work as scheduled or 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's policy, the claimant is considered to have voluntarily left employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated September 19, 2012, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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