

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JASMINE R LOZANO**

Claimant

**APPEAL NO. 11A-UI-08382-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UGL SERVICES UNICCO OPERATIONS CO**

Employer

**OC: 05/15/11**

**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Jasmine Lozano filed a timely appeal from the June 14, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on July 19, 2011. Ms. Lozano did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Becky Hellwig, personnel coordinator, represented the employer.

**ISSUE:**

Whether Ms. Lozano separated from the employer for a reason that disqualifies her for unemployment insurance benefits. She did.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Jasmine Lozano was employed by UGL Services UNICCO Operations Company as a full-time sanitation technician from 2008 and last performed work for the employer on April 28, 2011. Ms. Lozano commenced an approved vacation on May 1, 2011 and was due to return to work on May 8, 2011. Ms. Lozano did not return to work or make further contact with the employer. After Ms. Lozano was absent on May 8, 9, and 10, 2011, without notification the employer, the employer concluded she had voluntarily quit. The employer had a written policy that deemed three days of no-call, no-show absences a voluntary quit. This policy was contained in the handbook provided to Ms. Lozano on December 8, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

When a worker is absent for three days without notifying the employer in violation of the employer's policy, the worker is deemed to have voluntarily quit the employment without good cause attributable to the employer. See 871 IAC 24.25(4).

The evidence in the record indicates that Ms. Lozano voluntarily quit the employment effective May 10, 2011 by being absent three days without notifying the employer in violation of the employer's policy. Ms. Lozano voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Lozano is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Lozano.

**DECISION:**

The Agency representative's June 14, 2011, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw