

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**MICHAEL G WILLIAMS**  
Claimant

**APPEAL NO. 24A-UI-01707-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FBL FINANCIAL GROUP INC**  
Employer

**OC: 10/22/23  
Claimant: Appellant (1)**

---

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

On February 7, 2024, Michael Williams (claimant) filed a timely appeal from the February 2, 2024 (reference 07) decision that disqualified him for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on December 22, 2023 without good cause attributable to the employer. After due notice was issued, a hearing was held on March 5, 2024. Claimant participated. Brad Weigandt represented the employer. Exhibits A, B and C were received into evidence.

**ISSUES:**

Whether the claimant was laid off, was discharged for misconduct in connection with the employment, or voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Michael Williams (claimant) was employed by FBL Financial Group, Inc. as a full-time life insurance sales consultant from April 2023 and last performed work for the employer on Friday, September 22, 2023. The claimant completed his shift on September 22, 2023. The claimant's work hours were 8:00 a.m. to 4:30 p.m., Monday through Friday. John Kisner, Manager of Sales Support, was the claimant's immediate supervisor.

After the claimant worked on Friday, September 22, 2023, he was next scheduled to work on Monday, September 25, 2023. The claimant did not report for work on September 25, 2023. On the morning of September 25, the claimant sent a text message to Mr. Kisner, stating that he had a chiropractor appointment set for that morning. The claimant did not state that he would be absent for the entire day in connection with the purported chiropractor appointment.

The employer has an attendance policy that is set forth in the employee handbook the employer provided to the claimant at the start of the employment. The policy stated that if the claimant

needed to be off work, he was required to notify his supervisor. The policy does not specify the method or time by which the notice must be given.

The claimant was next scheduled to work on Tuesday, September 26, 2023, but was absent that day without notice to the employer. On that day, the supervisor sent a text message to the claimant stating that he thought the all-day absence on September 25, 2023 seemed like “a lot of time to be out” in connection with the purported appointment. The supervisor stated there would need to be a discussion the next day regarding the absence. The claimant did not respond to the supervisor’s message.

The claimant was next scheduled to work on Wednesday, September 27, 2023, but was absent that day without notice to the employer.

The claimant continued to be absent without notifying the employer. The no-call/no-show absences included absences on September 28, September 29, and October 2, 2023. The supervisor made additional attempts to reach the claimant, but the claimant did not respond.

At some point in September 2023, after the claimant ceased appearing for work, the claimant voluntarily entered a 30-day residential alcohol treatment facility. While in the facility, the claimant was not allowed access to his phone.

At some point after the claimant entered the treatment facility, the claimant’s sister contacted the employer to indicate the claimant was in the treatment facility and to request an indefinite leave of absence on behalf of the claimant. The claimant had not worked for the employer long enough to be eligible for leave under the Family and Medical Leave Act (FMLA). The employer’s other leave options were based on eligibility for FMLA. By the time the claimant’s sister contacted the employer on the claimant’s behalf, the employer had already determined the employment was terminated.

Under the employer’s written attendance policy, three consecutive no-call/no-show absences were deemed a voluntary quit.

On October 2, 2023, the employer determined the claimant had abandoned the employment. On October 3, 2023, the employer mailed a letter to the claimant indicating the employer deemed the employment terminated.

The claimant left the alcohol treatment facility on about October 20, 2023 without completing the 30-day treatment period. The claimant did not contact the employer to request return to the employment.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1)(d) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual’s wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Administrative Code rule 81724.26(6) provides as follows:

Separation because of illness, injury, or pregnancy.

a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

Iowa Code section 96.5(1)f provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

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 Iowa Admin. Code rule 87124.25.

When a claimant is absent from work for three days without notice to the employer in violation of the employer's policy, the claimant is presumed to have voluntarily quit without good cause attributable to the employer. See Iowa Admin. Code rule 87124.25(4).

The evidence in the record establishes a voluntary quit without good cause attributable to the employer. The claimant's separation from the employment occurred when the claimant was absent three consecutive days without notice to the employer in violation of the employer's attendance policy. The three days in question included September 26, 27 and 28, 2023. There were additional no-call/no-show absences on September 29 and October 2, 2023, prior to the employer's determination that the claimant had abandoned the employment. The weight of the evidence fails to establish that the claimant's decision to enter the 30-day treatment program was based on advice from a licensed and practicing physician. Prior to the absence, the claimant had not given notice to the employer that he would need to be absent for compelling personal reasons. The claimant had compelling personal reasons to be absent, but the absence would have exceeded 10 working days. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

**DECISION:**

The February 2, 2024 (reference 07) decision is AFFIRMED. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective September 28, 2023, when the claimant had been absent three days without notice to the employer. The claimant is disqualified for benefits until he has worked in a been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.



---

James E. Timberland  
Administrative Law Judge

March 8, 2024  
Decision Dated and Mailed

scn

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

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.

**AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.