

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

CHARLES O OSAZUWA
Claimant

APPEAL 25A-UI-01674-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANKO WINDOWS SYSTEMS, INC
Employer

OC: 02/02/25
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Charles O. Osazuwa, the claimant/appellant,¹ appealed the Iowa Workforce Development (IWD) February 18, 2025 (reference 01) unemployment insurance (UI) decision. IWD denied Mr. Osazuwa REGULAR (state) UI benefits because IWD concluded he voluntarily quit working for employer Manko Windows Systems, Inc on January 6, 2025 by not reporting to work for three days in a row and not telling the employer the reason for his absences. Mr. Osazuwa appealed on February 26, 2025. On March 3, 2025, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Mr. Osazuwa and the employer for a telephone hearing scheduled for March 20, 2025.

The administrative law judge held a telephone hearing on March 20, 2025. Mr. Osazuwa participated in the hearing personally. The employer participated in the hearing through Caitlin McGuire, human resources (HR) director. The administrative law judge admitted Department's Exhibit 1 and Claimant's Exhibit A as evidence.

The administrative law judge concludes Mr. Osazuwa is not eligible for REGULAR (state) UI benefits based on how his job ended with this employer.

ISSUE:

Did Mr. Osazuwa voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Osazuwa began working for the employer in October 2023. He worked as a full-time production laborer. His employment ended on January 13, 2025.

On Thursday, January 2, Mr. Osazuwa asked the onsite HR staff person how long he could take off work if he had to do so because his father was sick. Mr. Osazuwa's father lived in Nigeria. The HR staff person told Mr. Osazuwa that he could probably take off one week. Mr. Osazuwa

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

told the HR staff person that he would let them know if he needed to take off work. Later that day, Mr. Osazuwa's family told him that his father was not getting better, so Mr. Osazuwa decided to fly to Nigeria immediately. The next morning at about 5:00 a.m., while he was at the airport, Mr. Osazuwa left a voice message for the HR staff person letting them know that he was flying out of the country to see his sick father and he did not know when he would return. Mr. Osazuwa arrived in Nigeria on Saturday, January 4. Mr. Osazuwa's father died before he arrived.

Mr. Osazuwa was scheduled to work Monday, January 6 through Friday, January 10. Mr. Osazuwa did not attend work or call in any of these days. Mr. Osazuwa's phone did not work in Nigeria and he did not check his email because he was prioritizing his family. The HR staff person called Mr. Osazuwa on Monday, January 6 and Tuesday, January 7. Mr. Osazuwa did not respond either day. On Saturday, January 11, Mr. Osazuwa's wife called Mr. Osazuwa's brother and spoke with Mr. Osazuwa. Mr. Osazuwa's wife told him that she would let the employer know that his phone did not work. Mr. Osazuwa's wife also worked for the employer.

The employer's policy provides that an employee must call in for each absence. The policy further provides that the employer will terminate the employment of an employee who does not attend work and does not call in for three shifts in a row. Mr. Osazuwa acknowledged receiving a copy of the policy on, or about, his hire date.

On Monday, January 13, the HR staff person sent Mr. Osazuwa an email telling him that his employment was over because he was a No-Call/No-Show for three days in a row – January 6, 7 and 8 – and this violated the employer's attendance policy.

On, or about, Wednesday, January 15, Mr. Osazuwa's wife told the HR staff person that Mr. Osazuwa did not have phone access in Nigeria. The HR staff person told Mr. Osazuwa's wife that Mr. Osazuwa's employment was already over. Mr. Osazuwa's wife relayed this information to Mr. Osazuwa in a telephone call soon thereafter. Mr. Osazuwa returned to Iowa on Sunday, February 2. Mr. Osazuwa saw the employer's email when he returned. Mr. Osazuwa did not return to the employer to offer to work because the employer told him his job was over.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Osazuwa's separation from employment on January 13, 2025 was 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

Iowa Admin. Code r. 871-24.18(16) and (19) provide:

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 with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits, but the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code sections 96.5(1)"a" through "i" and 96.5(10). The following reasons for a voluntary quit are be presumed to be without good cause attributable to the employer:

(16) Claimant left for compelling personal reasons and the period of absence exceeded ten working days.

(19) Claimant left voluntarily due to family responsibilities or serious family needs.

Iowa Admin. Code r. 871-24.19(7) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. In addition to the reasons established in Iowa Code section 96.5(1), the following are reasons for a claimant leaving employment with good cause attributable to the employer:

(7) For purposes of Iowa Code section 96.5(1)"c," immediate family is defined as a collective body of persons who live under one roof and under one head or management, or a son or daughter, stepson, stepdaughter, father, mother, father-in-law, mother-in-law. Members of the immediate family are related by blood or by marriage

In general, the employer has the burden to prove that a claimant is disqualified from receiving UI benefits.² But, the claimant has the burden of proving that a voluntary leaving was for good cause attributable to the employer.³ A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention.⁴ "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular.⁵

In this case, Mr. Osazuwa stopped attending work for more than 10 days because he needed to see his father, be with his family, and care for his family after his father's death. When he returned to Iowa, Mr. Osazuwa did not return to the employer and offer to work for them again. Mr. Osazuwa did what was best for him and his family, but the end of his employment was not for good cause attributable to the employer. So, Mr. Osazuwa is not eligible for UI benefits.

² Iowa Code § 96.6(2).

³ *Id.*

⁴ *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

⁵ *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

DECISION:

The February 18, 2025 (reference 01) UI decision is AFFIRMED. Mr. Osazuwa voluntarily left employment as of January 13, 2025 without good cause attributable to the employer. Mr. Osazuwa is not eligible for REGULAR (state) UI benefits until he has worked in and been paid wages for insured work equal to ten times his weekly UI benefit amount, as long as no other decision denies him UI benefits.

/s/ *Daniel Zeno*

Daniel Zeno
Administrative Law Judge

March 25, 2025
Decision Dated and Mailed

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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:

**Iowa Employment Appeal Board
6200 Park Avenue 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> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: 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 adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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.