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The Importance of Putting “No Call/No Show” Policies in Writing

A recent case decided by the Franklin County Court of Appeals in Ohio serves as a reminder to check your written handbook policies: In *State ex rel. Vaught v. Indus. Comm.*, issued on March 31, 2015, the issue was whether an employee had “voluntarily” abandoned his employment. The workers’ compensation Claimant, Mr. Vaught, did not return after a work injury, nor did he contact his employer. The Employer sent a letter to the Claimant stating:

Since the day after the accident we have not heard from you. You told us that you were sore and would return to work the following Monday, and you did not call or show up. After many attempts to call you we have decided to terminate your employment with Burko effective today, 11/21/02.

Claimant later requested temporary total disability (TTD) compensation, which the Industrial Commission denied. Claimant filed a mandamus action, asserting the Commission had abused its discretion in denying compensation. The court agreed on the basis that Employer’s policy was not in writing. The court noted that without a *written* work rule, a termination does not result in voluntary abandonment and, therefore, does not bar TTD compensation. The court also noted that *had* Employer put its “no call/no show” policy in writing, it might have concluded Claimant had voluntarily abandoned his job.

This case serves as a reminder to check your policies. If you want to argue an employee voluntarily abandoned employment and TTD compensation is barred, you must ensure your policy is in writing and has been acknowledged by your employees.

Before terminating an employee with a workers’ compensation claim, review the circumstances with your third party administrator and counsel. Make sure you have considered all the issues, including the possible impact on the claim.

For more information, please contact [Joanne Wissman Glass](#) or any other attorney in the Frost Brown Todd [Labor and Employment practice group](#)

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