

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RAMONA D CARTER
Claimant

REMEDY INTELLIGENT STAFFING INC
Employer

APPEAL 15A-UI-06899-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 8, 2015, (reference 03) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on July 20, 2015. Claimant participated personally and through Witness, Jeremy Maclin. Employer did not participate.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a production worker from November 21, 2014, and was separated from employment on April 30, 2015, when she voluntarily quit.

Claimant shared a living space with Jeremy Maclin and Claudia Flores. Flores was also claimant's direct supervisor. On April 29, 2015, claimant was notified that Flores had a no contact order entered against her. Claimant informed employer of the situation. Later the same night, claimant was arrested for and charged with violating the no contact order. Two of employer's supervisory employees witnessed claimant's arrest. Claimant pled guilty to the charge. On May 13, 2015, claimant was released from jail. The same day, claimant moved to Chicago, Illinois, as she was unable to move back into her living space due to the no contact order.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(16) and (2) 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:

(16) The claimant is deemed to have left if such claimant becomes incarcerated.

In the context of the Iowa Employment Security Law, the separation is considered a quit. An individual who does not report to the employment because of incarceration is *presumed* to have quit without good cause attributable to the employer. Iowa Admin. Code r. 871-24.25(16). An employer is entitled to expect its employees to report to work as scheduled. The claimant's incarceration on multiple scheduled workdays was not a good-cause reason for the separation attributable to the employer. Employer's attribution of the absences as a voluntary leaving of employment was reasonable as it is not expected to hold employment for incarcerated employees.

Even if employer had not considered claimant's employment to have ended at the point she was incarcerated, she would not have remained employed by employer as she moved to a different locality upon her release from incarceration.

(2) The claimant moved to a different locality.

Moving to a different locality is not a reason for resignation that can be attributed to employer.

DECISION:

The June 8, 2015, (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Christine A. Louis
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Decision Dated and Mailed

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