

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID J SMITH
Claimant

APPEAL NO. 06A-UI-10580-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK SHOP INC
Employer

**OC: 10/01/06 R: 03
Claimant: Respondent (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 25, 2006, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on November 14, 2006. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Marcy Schneider participated in the hearing on behalf of the employer with a witness, Twyla Evens.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time as a clerk for the employer from July 2001 to September 25, 2006. On September 25, 2006, the claimant informed the assistant manager that he was stressed and needed to be off work. The claimant never reported to work after September 25, even though continuing work was available. No one in management informed him that he was discharged or laid off work.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit employment without good cause attributable to the employer and is disqualified from receiving benefits under Iowa Code § 96.5-1. The preponderance of the evidence establishes the claimant quit employment and the reason was not attributable to the employer.

DECISION:

The unemployment insurance decision dated October 25, 2006, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw