

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOUIS A CALIGIURI**  
Claimant

**APPEAL NO. 11A-UI-07155-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOSPITALITY INVESTORS LLC  
AMERICINN MOTOR & SUITES**  
Employer

**OC: 05/01/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 23, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 23, 2011. Claimant participated. Employer participated by Debra Pratt, general manager.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed with the employer from March 2009 through January 25, 2011. He quit his employment when he failed to report for work for three consecutive work days (January, 20, 21 and 24, 2011) in violation of work rule because he was incarcerated.

**REASONING AND CONCLUSIONS OF LAW:**

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.

Claimant left his employment when he was no show for three consecutive work days and because he was incarcerated. These reasons are without good cause attributable to the employer. See 871 IAC 24.25(4) and (16). Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

**DECISION:**

The May 23, 2011, reference 01, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided claimant is otherwise eligible.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

rrp/pjs