

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE L CHRISTENSON**  
Claimant

**APPEAL NO. 08A-UI-02620-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AADG INC**  
**CURRIES-GRAHAM**  
Employer

**OC: 11/18/07 R: 02**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Michelle Christenson, filed an appeal from a decision dated March 14, 2008, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 31, 2008. The claimant participated on her own behalf. The employer, AADG, did not provide a telephone number where a representative could be contacted and did not participate.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Michelle Christenson was employed by AADG from August 10, 2007 until February 18, 2008, as a full-time machinist working 11:00 p.m. until 7:00 a.m. On Friday, February 15, 2008, the claimant was arrested and charged with various offenses, including possession of marijuana. This latter charge is the only one that was not dismissed and to which she pled guilty.

Ms. Christenson was no-call/no-show to work on February 15, and 17, 2008, because of being in jail. When she contacted Human Resources Larry Haugen to ask if she still had a job, he told her she did not.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(16) 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.

The claimant did not come to work because she had been arrested and was in jail. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer by operation of law. The claimant is disqualified.

**DECISION:**

The representative's decision of March 14, 2008, reference 03, is affirmed. Michelle Christenson is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw