

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CANDICE J EARNEST
Claimant

APPEAL NO. 07A-UI-10630-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

OC: 10/14/07 R: 02
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Candice Earnest filed an appeal from a representative's decision dated November 6, 2007, reference 01, which denied benefits based on her separation from Swift & Company. After due notice was issued, a hearing was held by telephone on December 4, 2007. The employer participated by Aaron Vawter, Human Resources Coordinator. Ms. Earnest did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Earnest was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Earnest began working for Swift on February 26, 2007 as a full-time production worker. She left work early on April 25 and did not thereafter return. The employer has not heard further from Ms. Earnest since April 25. Continued work would have been available if she had continued reporting or had notified the employer of her intentions.

REASONING AND CONCLUSIONS OF LAW:

Although Ms. Earnest never advised the employer that she was quitting, the evidence establishes that she abandoned her job when she stopped reporting for available work without notice to the employer. While the employer classifies her separation as a quit, the administrative law judge considers it a voluntary quit for purposes of the unemployment laws. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Earnest did not participate in the hearing to explain why she stopped reporting for work. The evidence of record does not establish any cause attributable to the employer for the separation. As such, she is not entitled to job insurance benefits.

DECISION:

The representative's decision dated November 6, 2007, reference 01, is hereby affirmed. Ms. Earnest quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs