

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY S PRITCHARD
Claimant

APPEAL NO: 06A-07804-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

DICKTEN & MASCH
Employer

**OC: 06/18/06 R: 01
Claimant: Appellant (1)**

96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kelly Pritchard filed an appeal from a representative's decision dated July 24, 2006, reference 01, which denied benefits based on her separation from Dickten & Masch. After due notice was issued, a hearing was held on September 20, 2006 in Carroll, Iowa. Ms. Pritchard participated personally and offered additional testimony from Jamie Peterson. The employer participated by Bob Smithson, Production Manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Pritchard began working for Dickten & Masch on March 15, 2002 as a full-time production worker. She last worked on May 16, 2006 and was scheduled to return to work on May 20. At the time of separation, she was working from 6:00 a.m. until 6:30 p.m. on an alternating schedule that called for her to work three days one week and five days the next week.

Ms. Pritchard did not report for work or contact the employer on May 20. She had been arrested and confined to jail at approximately 1:15 a.m. that day. At approximately 1:30 p.m., her team leader called Ms. Pritchard's daughter and reported that Ms. Pritchard had been a "no call/no show" for work that day and could lose her job as a result. The daughter communicated the message to Ms. Pritchard at approximately 3:00 p.m. that day. Ms. Pritchard did not contact the employer that day. She knew that the team leader did not have the authority to discharge her.

Ms. Pritchard did not contact the employer until late morning on May 24. She asked the production manager if she still had a job. She indicated she had been in jail on May 20 and had no access to a phone to call in. She indicated that she was too depressed after that point to call. Ms. Pritchard was told she no longer had employment. This fact was confirmed in a letter

dated June 2, 2006. The employer concluded she had abandoned her job by not reporting to work or contacting the employer from May 20 through May 24.

REASONING AND CONCLUSIONS OF LAW:

Ms. Pritchard initiated her separation from employment when she was absent for consecutive days without notice to the employer. Whatever her team leader may have told her daughter on May 20, Ms. Pritchard knew the team leader did not have the authority to discharge. Therefore, she should not have relied on any statement made to her daughter by the team leader concerning her continued employment. Ms. Pritchard did not contact the employer herself regarding her job status until May 24. For the above reasons, the separation is considered a voluntary quit.

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. Pritchard stopped reporting for available work due to personal reasons, her incarceration. Under such circumstances, the separation is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(16). The evidence of record does not establish any cause attributable to the employer for the separation. Accordingly, benefits are denied.

DECISION:

The representative's decision dated July 24, 2006, reference 01, is hereby affirmed. Ms. Pritchard 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/cs