

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NEIL A MEEKER
Claimant

APPEAL NO. 09A-UI-09052-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE AMERICAN BOTTLING COMPANY
Employer

OC: 05/10/09
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Neil Meeker filed an appeal from a representative's decision dated June 15, 2009, reference 01, which denied benefits based on his separation from The American Bottling Company (ABC). After due notice was issued, a hearing was held by telephone on July 9, 2009. Mr. Meeker participated personally. The employer participated by Brenda Dixon, Human Resources Business Partner, and Julie Montgomery, Administrative Assistant. Exhibits One through Four were admitted on the employer's behalf.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Meeker began working for ABC on July 1, 1997 and last worked as a full-time machine operator. His last day of work was April 22, 2009. He was off work thereafter due to illness and called the employer each workday through May 5. He had a doctor's excuse to cover April 28 and 29. He saw his doctor on May 6 and was advised to take additional time off.

Mr. Meeker did not contact the employer on May 6 because he heard he was to be discharged. He did not contact the employer to confirm this information. He received a letter from the employer dated May 11 which advised that he had to return to work with a medical release, submit an application for FMLA, or obtain approval for short-term disability by May 19, 2009 or he would no longer have employment. The letter was mailed to Mr. Meeker on May 12. As of May 12, he still had not called in to report any absences after May 5.

Mr. Meeker did not respond to the letter dated May 11. On May 13, he was mailed notice that he no longer had employment because he had been absent at least two days without notice. He still did not contact the employer regarding his status. Continued work would have been

available if Mr. Meeker had continued calling in or had taken other steps to preserve his employment.

REASONING AND CONCLUSIONS OF LAW:

Mr. Meeker abandoned his job when he stopped reporting for available work without notice to the employer. Although he may have heard he had been discharged, he did not confirm this information with the employer. Even if he believed he had been discharged as of May 6, the employer's letter of May 11 should have been sufficient to notify him that he was still considered an employee. The employer would not have offered him the opportunity to preserve his employment if the intent was to discharge him. For the above reasons, the separation is considered a voluntary quit.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any cause attributable to the employer for Mr. Meeker's separation. He was not advised by a doctor to leave the employment. For the reasons stated herein, he is not entitled to job insurance benefits.

DECISION:

The representative's decision dated June 15, 2009, reference 01, is hereby affirmed. Mr. Meeker quit his employment with ABC for no good cause attributable to the employer. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs