

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK E DELA CRUZ
Claimant

APPEAL NO. 09A-UI-11299-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRIDGESTONE
Employer

OC: 06/14/09
Claimant: Appellant (1)

Section 96.5(1) –Voluntary Quit

STATEMENT OF THE CASE:

Patrick Dela Cruz filed an appeal from a representative's decision dated August 6, 2009, reference 01, which denied benefits based on his separation from Bridgestone. After due notice was issued, a hearing was held by telephone on August 24, 2009. Mr. Dela Cruz participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Dela Cruz 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. Dela Cruz began working for Bridgestone in November of 2004. He was last employed full time as a utility person. He was arrested on or about May 31, 2009 and remained in jail until July 11. He contacted his union hall upon his release but did not contact Bridgestone directly.

REASONING AND CONCLUSIONS OF LAW:

Mr. Dela Cruz became separated from Bridgestone because he was unable to work for well over a month due to his incarceration. Under such circumstances, an individual is presumed to have left employment without good cause attributable to the employer. 871 IAC 24.25(16). The fact that the employer may have been aware of the incarceration does not alter the fact that he was unable to work for an extensive period of time. For the reasons cited herein, Mr. Dela Cruz is not entitled to job insurance benefits pursuant to Iowa Code section 96.5(1).

DECISION:

The representative's decision dated August 6, 2009, reference 01, is hereby affirmed. Mr. Dela Cruz left his employment with Bridgestone without 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