

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANCISCO SOTO
Claimant

APPEAL NO. 09A-UI-00365-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TASS ENTERPRISES
Employer

OC: 12/14/08 R: 02
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Francisco Soto filed an appeal from a representative's decision dated January 9, 2009, reference 01, which denied benefits based on his separation from Tass Enterprises. After due notice was issued, a hearing was held by telephone on January 26, 2009. The employer participated by Robyn Lane, Store Manager, and was represented by Pixie Allen of TALX Corporation. Mr. Soto responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing.

ISSUE:

At issue in this matter is whether Mr. Soto 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: Mr. Soto began working for Tass Enterprises, Inc., doing business as McDonald's, in November of 2007. He worked from 20 to 25 hours each week as a crew member. He gave two week's notice that he was quitting to enter the military. The resignation was to be effective May 19, 2008. He was scheduled to work on May 16 and 17 but did not report for work or call. Continued work would have been available if Mr. Soto had not given his notice to quit.

REASONING AND CONCLUSIONS OF LAW:

Mr. Soto voluntarily quit his employment with McDonald's. 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). Mr. Soto told the employer he was quitting to enter the military. Under such circumstances, an individual must seek re-employment with his employer within 90 days of his release from military service. 871 IAC 24.25(8). He must provide proof that the military service has been satisfactorily completed.

The evidence of record does not establish the date on which Mr. Soto was released from military service. He has not, however, sought re-employment with McDonald's. The evidence of record does not establish any good cause attributable to the employer for the separation. As such, benefits are denied.

DECISION:

The representative's decision dated January 9, 2009, reference 01, is hereby affirmed. Mr. Soto voluntarily quit his employment 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 satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css