

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RON L HAMMOND**  
Claimant

**APPEAL NO. 09A-UI-04942-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FADIGA TRUCKING COMPANY**  
Employer

**OC: 03/01/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Ron L. Hammond filed a timely appeal from an unemployment insurance decision dated March 25, 2009, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held April 20, 2009 with Mr. Hammond participating. Co-Owner Jeff Fadiga participated for the employer, Fadiga Trucking, Inc.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Ron L. Hammond was employed as a truck driver by Fadiga Trucking, Inc. from April 17, 2006 until February 20, 2009. On the latter date, Mr. Fadiga was arrested. His pretrial release conditions prohibit him from leaving the jurisdiction. Further work was available had he not been arrested. He has not returned to the employer since the time of his arrest.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

An individual is presumed to have left work voluntarily without good cause attributable to the employer if the individual leaves work because of being incarcerated. See 871 IAC 24.25(16). The evidence in this record establishes that the claimant left work because the conditions for being released from incarceration is that he not leave the jurisdiction, a condition inconsistent with maintaining his employment as a truck driver. Benefits must be withheld.

**DECISION:**

The unemployment insurance decision dated March 25, 2009, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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