

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LLOYD E PALAR**

Claimant

**APPEAL NO: 14A-UI-01255-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 12/22/13**

**Claimant: Respondent (4)**

Iowa Code § 96.5(1) – Voluntary Quit  
871 IAC 24.28(1) – Requalifying Wages

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's January 28, 2014 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment ended for nondisqualifying reasons. The claimant participated in the February 25 hearing. Augusta Kruger, a staffing consultant, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits as of December 22, 2013, but the employer's account is exempt from charge.

**ISSUES:**

As of December 22, 2013, is the claimant eligible to receive benefits?

Did the claimant voluntarily quit his employment or did the employer discharge him for work-connected misconduct?

Is the employer's account subject to charge?

**FINDINGS OF FACT:**

The claimant started working for the employer in January 2013. The claimant worked as scheduled on July 17, 2013. The claimant violated his probation and was arrested after work on July 17, 2013. The claimant was in jail and unable to work for three months. After the claimant was released from jail in September, he tried to go back to General Mills where he had been working, but was not allowed to return to that job assignment.

Shortly after the claimant was released from jail, he started working for Ranstad General Partner in September. The claimant worked for Ranstad General Partner until he was temporarily laid off from work in late December. During the fourth quarter of 2013, the claimant earned gross wages of more than \$5,000.00 from Ranstad General Partner. The claimant established a claim for benefits during the week of December 22, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits without good cause attributable to the employer, or the employer discharges him for reasons that do not qualify him to receive benefits Iowa Code § 96.6(1), (2)a. The facts establish the claimant initiated his employment when he was arrested and incarcerated from July 18 through mid-September 2013. For unemployment insurance purposes, the claimant voluntarily quit his employment.

When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits without good cause when he becomes incarcerated. 871 IAC 24.25(16). The claimant's employment ended on July 18 when the claimant became incarcerated for three months. This employment separation does not qualify the claimant to receive benefits.

After the claimant worked for the employer, but before he established a claim for benefits, he earned requalifying wages of more than \$5,000.00. 871 IAC 24.28(1). The claimant established he is eligible to receive benefits as of December 22, 2013.

Since the claimant quit without good cause, the employer's account will not be charged. Iowa Code § 96.7(2)a.

**DECISION:**

The representative's January 28, 2014 determination (reference 01) is modified in the employer's favor. The claimant voluntarily quit his employment when he came incarcerated. For unemployment insurance purposes the claimant voluntarily quit without good cause. This means the employer's account will not be charged. As of December 22, 2013, the claimant is eligible to receive benefits because he earned requalifying wages.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/css