

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

RUOT C CHIOK  
4754 NICHOLAS ST #1  
OMAHA NE 68132

JOHN MORRELL & COMPANY  
c/o STEVE JOYCE  
PO BOX 2430  
SIOUX CITY IA 51106

Appeal Number: 04A-UI-03979-AT  
OC: 02/22/04 R: 12  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated March 12, 2004, reference 01, which disqualified him for benefits. Due notice was issued for a telephone hearing to be held June 4, 2004. The claimant did not respond to the hearing notice. The employer elected to rely upon the information in the administrative file.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Ruot C. Chiok was employed by John Morrell & Company from January 6, 2003 through February 19, 2004. He

last worked on February 4, 2004. He was away from work thereafter because of an accident unrelated to his work. On February 10, 2004, the company advised him that he must have a doctor's release to return to work. The company has not heard from him since then.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in this record 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.

Claimant's have the burden of proof in cases involving quits. See Iowa Code Section 96.6-2. The evidence in this record indicates that Mr. Chiok abandoned his job by not calling in after February 10, 2004 or that he left work because of an injury unrelated to his work. Both of these reasons for separation are considered to be without good cause attributable to the employer. See 871 IAC 24.25.

#### DECISION:

The unemployment insurance decision dated March 12, 2004, 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.

kjf/tjc