

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LARRY D WHITE**  
Claimant

**APPEAL NO: 12A-UI-02403-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SLB OF IOWA LC**  
Employer

**OC: 01/29/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(16) – Incarceration

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated March 7, 2012, reference 01, that held he voluntarily quit without good cause attributable to his employer on January 5, 2012, and benefits are denied. A telephone hearing was held on March 27, 2012. The claimant participated. Tom Reavis, HR Generalist, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began employment on July 27, 2010, and last worked for the employer as a part-time customer service associate at Panera Bread on January 5, 2012. The claimant was arrested and incarcerated by Iowa City police on January 5, and he remained incarcerated for about 25-days until the end of January. When he was absent from employment for three consecutive days, January 6 to 9, he was considered a voluntary quit from employment as a no-call/no-show to work. When claimant was released from jail, he returned to the employer about work, but learned he had been replaced.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(16) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(16) The claimant is deemed to have left if such claimant becomes incarcerated.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to incarceration on January 5, 2012.

The department rule considers an employment separation due to an incarceration is a voluntary quit without good cause. The employer is not required to hold the claimant's job open during the period of incarceration.

**DECISION:**

The department decision dated March 7, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to his employer on January 5, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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