

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARCO M JANG
Claimant

APPEAL NO. 08A-UI-00054-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMCO ENTERPRISES INC
Employer

**OC: 12/02/07 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

Marco Jang filed an appeal from a representative's decision dated December 24, 2007, reference 01, which denied benefits based upon his separation from EMCO Enterprises, Inc. After due notice was issued, a hearing was held by telephone on January 22, 2008. The claimant participated personally. The employer participated by Tom Kuiper, Hearing Representative and Witness Mary Bordwell, Senior Human Resources Generalist. Official Interpreter was Mima Dzaferagic. Employer's Exhibits One and Two were received into evidence.

ISSUE:

The issue in this matter is whether Mr. Jang quit for good cause attributable to the employer and whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from August 2006 until September 14, 2007 when he discontinued reporting for scheduled work. The claimant was employed as a full-time production worker and was paid by the hour. His immediate supervisor was John Wally.

Mr. Jang quit his employment with EMCO Enterprises, Inc. after temporarily being assigned to work the daytime shift. The claimant was aware that under the union agreement, he would temporarily be required to change shifts at times, due to seniority. The claimant provided no medical documentation indicating that he was required to leave for medical reasons and did not request a leave of absence. The claimant's sole reason for leaving was because he did not have adequate child care at home and, therefore, quit his job with EMCO Enterprises so that his wife would not be impacted at her new employment. Mr. Jang is available for evening shift work.

Under company policy an employee who does not report or provide notification for three consecutive work days is considered to have voluntarily abandoned his or her job. Mr. Jang was aware of the policy and had attended orientation.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant voluntarily quit his employment for reasons that were not attributable to the employer. The claimant was aware at the time of hire that he might be temporarily assigned to other work shifts based upon the union/employer bargaining agreement. Prior to leaving his work, the claimant did not provide notice. Mr. Jang discontinued reporting for scheduled work as of September 14, 2007 and did not report for scheduled work on September 17, 18, or 19, 2007. On September 20, 2007, the employer reasonably determined that the claimant had chosen to quit his employment.

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.

For the reasons stated herein, the administrative law judge finds that the claimant quit his job for reasons that were not attributable to the employer but due to personal reasons, his need to stay home and provide child care. The administrative law judge concludes that the claimant is available for work on other work shifts, provided he actively seeks employment each week that he claims unemployment insurance benefits.

DECISION:

The representative's decision dated December 24, 2007, reference 01, is hereby affirmed. The claimant quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided that he meets all other conditions of eligibility under Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs