

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SIDBINO I CANGCO

Claimant

APPEAL NO: 11A-UI-11855-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRI STAR MEAT & POULTRY

Employer

OC: 07/24/11

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Sidbino Cangco (claimant) appealed a representative's August 30, 2011 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Agri Star Meat & Poultry (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 4, 2011. The claimant participated personally until his telephone lost connectivity. The employer participated by Laura Roney, Payroll Human Resources Assistant and Christina Zavala, Human Resources Assistant. The claimant tried to rejoin the hearing after the hearing record was closed.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 2, 2010, as a full-time general laborer. The claimant provided documents to the employer indicating he was a citizen of the United States. He had dual citizenship with the Marianna Islands. At some point the claimant's car was repossessed while he was incarcerated. His car contained his birth certificate and other documents. He mistakenly thought the employer needed some identification. He last worked on December 30, 2010. He did not appear for work or notify the employer of his absence after January 2, 2011. On January 14, 2011, the employer assumed the claimant had quit work. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. The claimant stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

The claimant's and the employer's testimony is inconsistent. The administrative law judge finds the employer's testimony to be more credible. The claimant appeared confused during his testimony.

DECISION:

The representative's August 30, 2011 decision (reference 03) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css