

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TROY L FOX
Claimant

AB TRANSPORT INC
Employer

APPEAL NO: 09A-UI-16127-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/27/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
Section 17A.12(3) – Default

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 20, 2009, reference 01, that held he voluntarily quit without good cause after a reprimand on September 28, 2009, and benefits are denied. A telephone hearing was scheduled for November 23, 2009. The claimant did not participate. Shawn Leonard, President, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The employer requested to re-schedule the telephone hearing scheduled for December 2, 2009, and a conference call with the claimant and employer was conducted on this issue. The parties agreed to conduct this hearing on November 23, 2009 at 3:00 p.m., and each provided a telephone number to be called.

The claimant was not available when called for the hearing. The employer moved to default the claimant for his failure to appear, and the motion was granted.

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.

The administrative law judge concludes the employer motion to default that was granted due to the failure of the claimant to appear (be available for the hearing) for the hearing establishes that claimant voluntarily quit without good cause on September 28, 2009.

The claimant appealed the department decision, but failed to appear for the hearing to contest the voluntary quit. The claimant is defaulted pursuant to Iowa Code section 17A.12(3), and the department decision remains in force and effect.

DECISION:

The department decision dated October 20, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause on September 28, 2009. 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.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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