

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THERESA M RAINS

Claimant

APPEAL NO: 09A-UI-10411-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OSCEOLA FOODS CORPORATION

Employer

OC: 05/31/09

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Job Abandonment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 9, 2009, reference 01 that held she voluntarily quit without good cause attributable to her employer on October 8, 2008, and benefits are denied. A telephone hearing was held on August 6, 2009. The claimant did not participate. Aaron, Peterson, HR Manager, 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 witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time production worker from July 28, 2008 to October 8, 2008. An employer supervisor observed the claimant leaving her work shift four and one-half hours early on her last day of employment, and she did not return to work. Continuing employment was available to the claimant, but she did not contact the employer about further work.

The claimant failed to respond to the hearing notice.

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(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to job abandonment

The claimant walked off her job prior to the end of her work shift without explanation, and failed to return to employment.

DECISION:

The department decision dated July 9, 2009, reference 01 is affirmed. The claimant voluntarily quit without good cause due to job abandonment on October 8, 2008. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css