

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGEL R FRANCO-RAMIREZ
Claimant

APPEAL NO. 12A-UI-13823-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 10/07/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Angel Franco-Ramirez filed a timely appeal from the November 19, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on December 17, 2012. Mr. Franco-Ramirez did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Benito Torres, Human Resources Manager, represented the employer.

ISSUE:

Whether Mr. Franco-Ramirez separated from the employment for a reason that disqualifies him for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Angel Franco-Ramirez was employed by Tyson Fresh Meats in Denison as a full-time buggy team crew member from June 1, 2012 and last performed work for the employer on August 31, 2012. Mr. Franco-Ramirez was then a no-call, no-show on September 4 and 5, 2012. Mr. Franco-Ramirez made no attempt to return to the employment and did not make further contact with the employer. The employer continued to have work available.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992).

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. See 871 IAC 24.25.

The evidence in the record indicates that Mr. Franco-Ramirez voluntarily quit the employment without good cause attributable to the employer by failing to report for work or make contact with the employer after August 31, 2012. Mr. Franco-Ramirez is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The Agency representatives November 19, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs