

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JOSEPH W JACKSON  
708 G AVE NW  
CEDAR RAPIDS IA 52405**

**EXECUTIVE HOME CARE INC  
2115 N TOWN LN NE  
CEDAR RAPIDS IA 52402-1913**

**Appeal Number: 05A-UI-11898-LT  
OC: 10-23-05 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Iowa Code §96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 15, 2005, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on December 8, 2005. Claimant did participate. Employer did participate through Deb Schropp.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a part-time custodian from October 17 through October 23, 2005 when he walked off the job leaving two cleaning jobs undone. Employer asked him to report to a meeting later that afternoon and he assumed he would be fired because he thought his supervisor was not satisfied with his work. He did not report to the meeting or attempt to find out about his

employment status. Continued work was available had he completed the cleaning jobs and reported to the meeting.

On or about October 21 claimant interviewed with Cedar Rapids Country Club and was told he had a good chance of getting the position and would get notification by mail. CRCC sent claimant a letter a few days later saying it had hired someone else with better qualifications.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code Section 96.5-1-a 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. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code §96.6(2) (amended 1998). Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer.

Since claimant did not report to the scheduled meeting or otherwise communicate with his supervisor about his job status, and his assumption that he would be fired was erroneous, claimant's failure to continue reporting to work was an abandonment of his job. Furthermore, since CRCC did not actually offer claimant a job, subsection (a) does not apply to the separation and benefits must be denied.

#### DECISION:

The November 15, 2005, reference 02, decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

dml/kjf