

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN A KOCIUBA**  
Claimant

**CRST FLATBED REGIONAL INC**  
Employer

**APPEAL NO: 13A-UI-07760-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/17/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(4) – Absent Without Notice

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 25, 2013, reference 01, that held he voluntarily quit without good cause attributable to his employer on February 28, 2013, and benefits are denied. A telephone hearing was held on August 7, 2013. The claimant did not participate. Sandy Matt, HR Specialist, 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 witness testimony and having considered the evidence in the record finds: The claimant worked for the employer as a full-time over-the-road driver from December 3, 2012 to February 28, 2013. The claimant was part of a truck driver team. The employer allows a driver to choose a co-driver from a list provided.

The claimant told his co-driver he was not going to return to work after his home time period due to some personal matters. Claimant did not tell the employer he was not coming back and it kept him on the personnel list for a month hoping he would return. When claimant failed to return to work he was separated as a voluntary quit.

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 his employer due to job abandonment on February 28, 2013.

Claimant chose not to return to work after his home time period though continuing employment was available.

**DECISION:**

The department decision dated June 25, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on February 28, 2013. 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.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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