

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRAVIS STARK**  
Claimant

**APPEAL NO: 09A-UI-07702-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MATRIX METALS LLC**  
Employer

**OC: 04/26/09**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Travis Stark (claimant) appealed an unemployment insurance decision dated May 20, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Matrix Metals, LLC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 12, 2009. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate. Claimant's Exhibit A was admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time furnace service from June 22, 1989 through April 7, 2009 when he was considered to have voluntarily quit due to his incarceration. The employer sent the claimant a letter on April 16, 2009 which advised the claimant he was terminated for failing to report to work after April 7, 2009. The claimant's arrest was associated with his use or possession of marijuana and a narcotic pain reliever. He was incarcerated for two weeks.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. When the claimant initiates a separation, it must be with good cause attributable to the employer before the claimant is entitled to benefits. Iowa Code § 96.5-1. When an employer initiates a separation, the reasons for the separation must

constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. Iowa Code § 96.5-2-a. In the case herein, the claimant initiated the separation when he stopped reporting to work after April 7, 2009 because he was incarcerated.

Iowa Code § 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(16) 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 § 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 § 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:

(16) The claimant is deemed to have left if such claimant becomes incarcerated.

Although the claimant may have not wanted to quit his employment, his actions led to his incarceration and his incarceration prevented him from reporting to work, which had nothing to do with the employer. Consequently, the separation is characterized as a voluntary separation. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated May 20, 2009, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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