

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES C RYTHER
Claimant

APPEAL NO. 09A-UI-19362-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FITZGERALD SIDING INC
Employer

**Original Claim: 11/22/09
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, James Ryther, filed an appeal from a decision dated December 15, 2009, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 4, 2010. The claimant participated on his own behalf. The employer, Fitzgerald Siding, participated by Owner Tom Fitzgerald. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

James Ryther was employed by Fitzgerald Siding from June 2008 until November 30, 2008 as a full-time laborer. On November 30, 2008, the claimant submitted a written resignation to Owner Tom Fitzgerald stating he had to go to jail and was quitting.

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.

The claimant quit because he was going to be incarcerated. While this may constitute good personal cause, it is not good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of December 15, 2009, reference 03, is affirmed. James Ryther is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw