

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**GREGORY LOGAS**

Claimant

**KRAFT HEINZ FOODS COMPANY LLC**

Employer

**APPEAL 21A-UI-20880-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/01/21**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated September 8, 2021, (reference 01) that held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 10, 2021. Claimant participated. Employer failed to respond to the hearing notice and did not participate. The administrative law judge took official notice of the administrative record including the fact-finding documents.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 29, 2021. Claimant quit work on that date because he thought he was going to be fired for missing work.

Claimant began working for employer as a full-time slicer on April 30, 2018. Employer has a written employee handbook. Claimant received a copy of employer's rules and policies at the time of hire.

Claimant missed work for personal reasons for three days beginning on or about June 29, 2021. Claimant believed that he had gone over his allotted attendance points, and he believed that he had been fired.

Claimant was never told he was fired by employer, but claimant decided that he would not return to work after June 29, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he mistakenly believed he had been fired by employer.

Iowa Code section 96.5(1) provides:

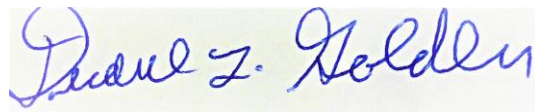
An individual shall be disqualified for benefits:

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.

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. *LaGrange v. Iowa Dep't of Job Serv.*, (No. 4-209/83-1081, Iowa Ct. App. filed June 26, 1984). Since claimant did not follow up with management personnel or the owner, and his assumption of having been fired was erroneous, his failure to continue reporting to work was an abandonment of the job. Benefits are denied.

**DECISION:**

The decision of the representative dated September 8, 2021, (reference 01) is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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Duane L. Golden  
Administrative Law Judge

December 30, 2021  
Decision Dated and Mailed

dlg/mh