

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT CLARK
Claimant

APPEAL NO. 12A-UI-06473-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BIERMANN'S UNIVERSITY ELEC CO INC
Employer

**OC: 4/17/11
Claimant: Appellant (3)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 22, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 29, 2012. Employer participated by Scott Biermann, Corporate Secretary and Treasurer. Claimant called in a number pursuant to the hearing notice but failed to respond to his phone for the hearing notice and did not participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant is an electrician who worked for employer periodically. In late March, he was recalled to return to work after being off for approximately one month. He initially called in and was unable to return when requested. He was considered to have quit for employer on April 10, 2012.

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 the employer when claimant terminated the employment relationship because of non-work-related medical issues.

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.

DECISION:

The decision of the representative dated May 22, 2012, reference 01, is modified in employer's favor. The basis of the disqualification is voluntary quit without good cause attributable to the employer. Unemployment insurance benefits are 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.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/css