

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LEANNA R RUCKMAN**  
Claimant

**NEW FOCUS INC**  
Employer

**APPEAL NO. 12A-UI-07953-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/13/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated June 29, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 24, 2012. Claimant participated. The employer participated by Peggy Oden, the executive director. The record consists of the testimony of Leanna Ruckman and the testimony of Peggy Oden.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a community rehabilitation facility that provides care to individuals with disabilities. The claimant was hired on December 2, 2011, to work in a residential home and provide services to an individual. Her hours varied from week to week. The claimant's last day of work was March 22, 2012. The claimant was arrested on March 23, 2012. She was confined in jail for five days.

**REASONING AND CONCLUSIONS OF LAW:**

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 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:

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

The evidence in this case established that the claimant was arrested on March 23, 2012, and was incarcerated for five days. Iowa law states that if an individual is arrested and confined in jail, he or she is considered to have voluntarily quit without good cause attributable to the employer and not eligible for unemployment insurance benefits. Benefits are therefore denied.

**DECISION:**

The decision of the representative dated June 29, 2012, 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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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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