

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRUCE A NOELKER
Claimant

APPEAL NO. 100-UI-16542-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALPLA INC
Employer

OC: 06/20/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Bruce Noelker filed an appeal from a representative's decision dated July 29, 2010, reference 01, which denied benefits based on his separation from Alpla, Inc. After due notice was issued, a hearing was held by telephone on September 21, 2010. The decision of the administrative law judge, dated September 22, 2010, affirmed the disqualification from benefits. Mr. Noelker filed a further appeal with the Employment Appeal Board, which on December 1, 2010, remanded the matter for a new hearing because the recording of the prior hearing was not available.

Pursuant to the remand, due notice was issued scheduling the matter for a telephone hearing on January 19, 2011. Because of telephone difficulties, the hearing was held on January 20, 2011. Mr. Noelker participated personally. The employer participated by Julie Underwood, human resources manager.

ISSUE:

At issue in this matter is whether Mr. Noelker was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Noelker was employed by Alpla, Inc. from January 13, 2008 until June 25, 2010. He was last employed full-time as a packaging operator. His last day of work was June 15, 2010. He was next scheduled to work on June 18 but did not report or contact the employer.

The employer did not have any contact with Mr. Noelker regarding his employment after June 15. He did come in on June 18 to get his check, but did not speak to any member of management about his job. On June 25, he was mailed a letter advising that he no longer had employment because he had abandoned his job. He did not respond to the letter. Continued work would have been available if he had continued reporting for work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Mr. Noelker initiated his separation from employment when he stopped reporting for available work. He was sent a letter on June 25 notifying him that the employer considered him to have abandoned his job. He testified that he was told on June 15 not to return to work until he spoke with Julie Underwood in human resources. He also testified that he made a number of attempts to reach her by telephone, to no avail. If the above factors were, in fact, true, one would have expected him to make some response to the employer's letter saying he had abandoned his job. He did not do so. For the above reasons, the separation is considered a voluntary quit.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish good cause attributable to the employer for Mr. Noelker's quit. Although he had issues with the employer, the employer was not on notice that he intended to quit over those issues. After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Noelker quit without good cause attributable to the employer. As such, benefits are denied.

DECISION:

The representative's decision dated July 29, 2010, reference 01, is hereby affirmed. Mr. Noelker quit his employment with Alpla, Inc. for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw