

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEE C MERCER
Claimant

APPEAL NO: 10A-UI-12567-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALL IN A DAY LLC
Employer

**OC: 08/01/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(3) – Seeks Other Employment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 7, 2010, reference 02, that held he voluntarily quit without good cause attributable to his employer on September 1, 2010, and benefits are denied. A telephone hearing was held on October 25, 2010. The claimant did not participate. Cyd Hall, Office Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began working for the employer as a full-time laborer on February 3, 2009. The claimant last worked on assignment at CS Agro beginning August 17, 2009. The claimant stopped coming to work on September 1. When the claimant came in to get his last paycheck, he told the employer he had found another job.

The department issued a decision on July 19, 2010, reference 04, that claimant lacks qualified earnings, and he did not appeal. The claimant failed to respond to the hearing notice.

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.

871 IAC 24.25(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to seeking other employment on September 1, 2009 that is not confirmed for the record.

The claimant last worked for the employer on September 1, and quit his job assignment without notice or explanation. Ten days later, when he picked-up his paycheck he states he got another job, but that employer cannot be identified from the department record.

DECISION:

The department decision dated September 7, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on September 1, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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