

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN W ST JOHN

Claimant

APPEAL NO. 11A-UI-06638-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST LIBERTY FOODS LLC

Employer

OC: 04/03/11

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Steven St. John filed a timely appeal from a representative's decision dated May 5, 2011, reference 01, which denied benefits based upon a finding that the claimant voluntarily quit work without good cause attributable to the employer. After due notice, a telephone hearing was held on June 15, 2011. The claimant participated personally. Participating as a witness was his girlfriend, Sara Taylor. The employer participated by Ms. Nikki Bruno, Human Resource Generalist.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Steven St. John was employed by West Liberty Foods beginning on September 21, 2010. Mr. St. John attended two days of orientation on September 21 and September 22, 2010. At the conclusion of orientation employees were provided a notice of their work assignment, the shift and the name of their supervisor. Mr. St. John was in an orientation class with a number of other workers. All other workers reported for their scheduled work shift the next working day, September 26, 2010. The claimant did not report for his scheduled shift on September 26, 2010 because he thought that the company trainer would "call him." The claimant encountered some difficulty in having his fingerprint register on a company security system and was told by the trainer that he would be called to complete the scanning so that the claimant could be provided a company identification.

When the claimant did not report and the company heard nothing from him for three or more consecutive workdays, the company reasonably concluded that Mr. St. John had decided not to return to available ongoing employment.

It is the claimant's position that he believed that he would be called by the trainer and that when the trainer did not call him he believed that his services were no longer needed. It is the claimant's position that he had left messages for "Jessica" but claimed that she had failed to return his calls. Although Mr. St. John lives approximately 12 miles from the employer's facility,

he did not travel to the location nor contact the company's human resource department if he had any questions about his continuing employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

The administrative law judge for the following reasons concludes that the claimant left employment without good cause attributable to the 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.

In this case, all new hires at the time attended an orientation that took place on September 21 and 22, 2010. Company records show that all employees were given a scheduling shift showing the date they were next to report for work, the shift and who their new supervisors were. The employer's witness testified that all other individuals who attended orientation obtained the information about the next reporting day and reported for work as directed.

The administrative law judge is cognizant that Mr. St. John maintains that he believed that his trainer would "call him." The administrative law judge finds that the claimant did not follow a reasonable course of action to maintain his employment if he had doubts about his status or when he was next to report for work. The claimant did not call the company's human resource department during normal working hours nor did the claimant travel the 12 miles to the employer's facility to personally determine his status. The administrative law judge concludes that there was ongoing employment available for Mr. St. John but he failed to avail himself of it. Good cause attributable to the employer has not been established. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated May 5, 2011, reference 01, is affirmed. The claimant voluntarily quit his employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed