

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM S PEREZ-HERNANDEZ
Claimant

APPEAL NO. 10A-UI-07753-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

JOHN MORRELL & CO
Employer

OC: 04/25/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

William S. Perez-Hernandez filed a timely appeal from an unemployment insurance decision dated May 18, 2010, reference 01, that disqualified him for benefits. Due notice was issued for a hearing to be held in Sioux City, Iowa on June 21, 2010. Dennis M. McElwain, Attorney at Law, appeared on behalf of the claimant. Neither the claimant nor the employer, John Morrell & Co., responded to the notice. Mr. McElwain contacted his client by telephone and related that Mr. Perez-Hernandez is now working in another town and would not be available for a hearing. The administrative law judge found no documents or statements from the fact-finding interview.

ISSUE:

Was the claimant's separation from employment a disqualifying event?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: On May 18, 2010, a fact finder from Iowa Workforce Development ruled that William S. Perez-Hernandez became unemployed on April 1, 2010 by being absent for three work days without contacting his employer.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. As noted above, the claimant did not participate in the hearing. The only evidence before the administrative law

judge is the fact-finder's decision; that evidence indicates that the separation was a quit by job abandonment. With no other evidence to contradict the fact-finder's decision, the administrative law judge concludes that it should be affirmed.

DECISION:

The unemployment insurance decision dated May 18, 2010, reference 01, is affirmed. 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, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs