

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWN C PRICE

Claimant

APPEAL NO. 09A-UI-06099-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY

Employer

OC: 03/29/09

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Shawn C. Price filed a timely appeal from an unemployment insurance decision dated April 14, 2009, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held May 15, 2009 with Mr. Price participating and presenting additional testimony by Mike Graves, the business agency of United Food and Commercial Workers Local 1149. Employment Manager Tony Luse participated for the employer, Swift & Company.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Shawn C. Price was hired by Swift & Company on February 12, 2007. His last day as a production worker was January 3, 2009. He did not report to work on January 5 or thereafter and did not contact the company. The company has a policy providing that three days of absence without contact is considered to be a voluntary quit. Mr. Price signed a receipt for the policy manual containing this particular rule. It was also covered in orientation.

Mr. Price, a resident of the state of Illinois, is not allowed to leave the state at this time pursuant to court order. There are no restrictions on his employability within that state.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the separation from employment was a disqualifying event. It was.

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 evidence establishes that Mr. Price became unemployed because he stopped reporting to work and contacting the employer. According to 871 IAC 24.25(4) an individual absent for three days without contact in violation of a company rule is presumed to have left work voluntarily without good cause attributable to the employer. The administrative law judge concludes from the evidence that Mr. Price became unemployed under circumstances contemplated by this rule. Benefits are withheld.

The administrative law judge concludes that the claimant does meet the eligibility requirements of being available for work. Although he cannot travel to the state of Iowa currently, the record indicates there are no restrictions on his becoming employed in the state of Illinois.

DECISION:

The unemployment insurance decision dated April 14, 2009, 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

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