

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNNE R MEYER
Claimant

APPEAL NO: 08A-UI-01935-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

**OC: 05/13/07 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Lynne R. Meyer (claimant) appealed a representative's February 15, 2008 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Winnebago Industries (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held at 12:00 p.m. on March 12, 2008. The claimant/appellant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing. The employer responded to the hearing notice and indicated that Lorna Zrostlik would participate as the employer's representative. When the administrative law judge contacted Ms. Zrostlik for the hearing, she agreed that the administrative law judge should make a determination based upon a review of the information in the administrative file. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on July 23, 2007. She worked full time as a production assembler. Her last day of work was January 18, 2008. She was incarcerated on January 19, 2008. As a result, she missed scheduled work on January 21, January 22, January 23, and January 24. She was released from jail later on January 24, but when she contacted the employer she learned that the employer considered her employment ended through job abandonment/voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

If the claimant quit, she would be disqualified unless it was for a good cause attributable to the employer.

Iowa Code § 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 provides that, 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. However, an employee is also deemed to have left without good cause if the employee is absent from work due to becoming incarcerated. 871 IAC 24.25(16). Benefits are denied.

DECISION:

The representative's February 15, 2008 decision (reference 03) is affirmed. The claimant is deemed to have voluntarily left her employment without good cause attributable to the employer. As of January 24, 2008, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs