

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAWRENCE D BROWN**  
Claimant

**APPEAL NO: 09A-UI-11041-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AGRIPROCESSORS INC**  
Employer

**OC: 11/16/08**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Lawrence D. Brown (claimant) appealed a representative's July 29, 2009 decision (reference 03) that concluded he was not qualified to receive benefits, and the account of Agriprocessors, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 18, 2009. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntary quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on November 3, 2008. The claimant worked as a full-time employee. After work on March 14, 2009, the claimant was arrested for a parole violation, failing to obtain a travel permit to work in Iowa.

The claimant could not personally talk to the employer, but co-workers that he rode to work with and his wife talked to the employer and explained the situation. When the claimant's wife talked to the employer, the employer told her the claimant was or would be discharged.

The claimant was in jail 60 days. After the claimant was released, he went to the employer about his job. He then learned the employer considered him to have quit when he was in jail. The employer informed the claimant could reapply.

The claimant initially established a claim for benefits during the week of November 18, 2008. He reopened his claim during the week of June 21, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5-1, 2-a.

Unemployment insurance law deems an employee to quit if they become incarcerated. 871 IAC 24.25(16). Even though the claimant did not intend to quit his employment in mid-March 2009, for unemployment insurance purposes he quit when he became incarcerated and was unable to work for 60 days. In the alternative, the employer could have discharged the claimant for excessive unexcused absenteeism. 871 IAC 24.32(7). Under either scenario, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's July 29, 2009 decision (reference 03) is affirmed. Based on unemployment insurance law, the claimant quit his employment without good cause when he became incarcerated for a parole violation. The claimant is disqualified from receiving unemployment insurance benefits as of June 21, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css