

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID J BALL**

Claimant

**APPEAL NO. 11A-UI-14727-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 01/16/11**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 3, 2011, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 7, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. J.T. Breslin participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at AMI Alside Windows from November 3, 2010, to February 11, 2011. It was an assignment that could have resulted in AMI Alside Windows hiring the claimant as an employee.

The claimant filed a claim for partial unemployment insurance benefits effective January 16, 2011, because work slowed down.

After February 11, 2011, the claimant was placed on a short-term layoff and was told that he would be returning to work in about three weeks, which would have been in early March.

The claimant was on federal probation. On February 25, 2011, shortly before he would have returned to work, the claimant violated the terms of his probation by consuming alcohol. His probation officer discovered the violation, and his probation was revoked. The claimant was incarcerated until September 30, 2011.

While he was incarcerated, he wrote to supervisors with AMI Alside Windows about wanting to return to work. He did not contact anyone with the employer, and the employer considered him to have quit employment.

The claimant reopened his claim for unemployment insurance benefits in October 2011. He contacted AMI Alside Windows regarding work but it is not currently hiring.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

871 IAC 24.25(16) provides:

The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(16) The claimant is deemed to have left if such claimant becomes incarcerated.

The claimant was about to be recalled back to work when he caused his own unemployment by violating the terms of his probation. Under 871 IAC 24.25(16), he is deemed to have voluntarily quit employment without good cause attributable to the employer. This is supported by the fact that he did not maintain contact with his actual employer after he was incarcerated.

**DECISION:**

The unemployment insurance decision dated November 3, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs