

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSE A PEREZ**

Claimant

**APPEAL NO. 12A-UI-11763-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**

Employer

**OC: 08/26/12**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 19, 2012, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 29, 2012. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. He was not available to take the call at the time of the hearing. Will Sager 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 claimant worked full-time for the employer as a production worker from August 19, 2008, to July 26, 2012. The claimant was informed and understood that under the employer's work rules, regular attendance was required and employees were required to notify the employer if they were not able to work as scheduled.

The claimant was absent without notice to the employer on the consecutive workdays of July 27, July 30, July 31, August 1, and August 2. On August 2, the claimant came into the plant to pick up his check and told the clerk he was no longer working for Tyson's. He voluntarily left employment and the reasons for leaving are unknown.

**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.

The unemployment insurance rules state that a claimant absent for three days without giving notice to employer in violation of company rule is presumed to have quit employment without good cause attributable to the employer. 871 IAC 24.25(4).

The claimant voluntarily left employment by failing to return to work after July 26. Since the reasons for leaving are unknown, he left without good cause attributable to the employer.

The employer presented evidence that the claimant did not have valid work authorization and may have been using another person's social security number. If the claimant attempts to reapply for benefits, this issue will need to be investigated.

**DECISION:**

The unemployment insurance decision dated September 19, 2012, reference 02, 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/kjw