

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**STEPHEN M GOFF  
1111 3<sup>RD</sup> ST  
WEBSTER CITY IA 50595**

**ELECTROLUX HOME PRODUCTS INC  
FRIGIDAIRE & SHEAKLEY  
PO BOX 1160  
COLUMBUS OH 43216-1160**

**Appeal Number: 04A-UI-00781-B4T  
OC: 12/07/03 R: 01  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Stephen M. Goff appealed from an unemployment insurance decision dated January 12, 2004, reference 01, that held, in effect, the claimant voluntarily left his employment on September 30, 2003 because he was arrested and confined in jail. Unemployment insurance benefits were denied.

A telephone conference hearing was scheduled and held on February 9, 2004. Stephen M. Goff participated. Casey Sciorrotta, Labor Relations Manager, participated on behalf of the employer.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Stephen M. Goff was initially employed at Electrolux Home Products, Inc. on or about February 8, 1999. The claimant performed the job duties of a full time press operator.

On September 30, 2003, the claimant was arrested by local authorities and incarcerated.

When the claimant was released from his incarceration he made application for new employment and was not reemployed.

#### REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(16) provides:

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

The evidence in the record clearly establishes that the claimant was incarcerated for a period of time beginning September 30, 2003.

Under such circumstances, the claimant voluntarily left his employment with Electrolux Home Products, Inc. because of his incarceration during which period of time he was unable to report for work as scheduled.

The administrative law judge concludes that Stephen M. Goff voluntarily left his employment with Electrolux Home Products Inc. on September 30, 2003 within the intent and meaning of Iowa Code Section 96.5-1 and the foregoing section of the Iowa Administrative Code.

#### DECISION:

The unemployment insurance decision dated January 12, 2004, reference 01, is affirmed. Stephen M. Goff voluntarily left his employment with Electrolux Home Products Inc. on September 30, 2003 without good cause attributable to the employer. Unemployment insurance benefits are denied until such time as the claimant has requalified under the provisions of the Iowa Employment Security Law.

kjf/b