

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E DIXON
Claimant

APPEAL NO. 09A-UI-04703-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HCM INC
Employer

OC: 12/28/08
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

James Dixon filed an appeal from a representative's decision dated March 19, 2009, reference 04, which denied benefits based on his separation from HCM, Inc. After due notice was issued, a hearing was held by telephone on April 21, 2009. Mr. Dixon participated personally. The employer participated by Larry Allen, Administrator, and Ivan Vallejo, Dietary Director.

ISSUE:

At issue in this matter is whether Mr. Dixon was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Dixon began working for HCM, Inc. on September 9, 2008 and worked full time as a dietary aide. His last day at work was December 20. He stopped reporting for available work because he lost his means of transportation. He was not in contact with the employer again until he went to get his check on January 2. At that point, his job was no longer available to him.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Dixon abandoned his job when he stopped reporting for available work with no notice to the employer. He was absent for two weeks without calling his employer. He knew or should have known his job would not be held open for him for such an extended period of time when the employer had not heard from him. For the above reasons, his separation shall be considered a voluntary quit.

An individual who voluntarily leaves employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Mr. Dixon left his employment because he no

longer had transportation to and from work. The employer was not responsible for his transportation. Under such circumstances, the separation is presumed to be without good cause attributable to the employer. 871 IAC 24.25(1). For the above reasons, benefits are denied.

DECISION:

The representative's decision dated March 19, 2009, reference 04, is hereby affirmed. Mr. Dixon quit his employment for no good cause attributable to the employer. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css