

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REAT J BAMACH**  
Claimant

**APPEAL NO: 09A-UI-19157-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT & COMPANY**  
Employer

**OC: 0 1/18/09**  
**Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's December 14, 2009 decision (reference 05) that concluded the claimant was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A telephone hearing was held on February 4, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Cheryl Hughlette, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily 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 March 30, 2009. He worked full time. The last day the claimant worked was June 19, 2009.

The claimant was scheduled to work on June 22, 23 and 24. He did not call or report to work these days. The claimant did not contact the employer any time after June 19, 2009.

The claimant reopened his claim for benefits during the week of November 15, 2009. He has filed for and received benefits since November 15, 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. The evidence shows that the claimant voluntarily quit his employment by abandoning his employment after

June 19, 2009. When a claimant quits, he has the burden to establish he quit for reason that qualify him to receive benefits. Iowa Code § 96.6-2.

The claimant may have had compelling reasons for quitting or abandoning his job. The evidence presented during the hearing does not establish that the claimant quit for reasons that qualify him to receive benefits. Therefore, as of November 15, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's December 14, 2009 decision (reference 05) is reversed. The employer did not discharge the claimant. Instead, the claimant voluntarily quit his employment by abandoning his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 15, 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. The issue of overpayment or whether the claimant is eligible for a waiver of overpayment is Remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css