

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTA N HERNANDEZ
Claimant

APPEAL NO. 09A-UI-17318-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CON AGRA COUNCIL BLUFFS
Employer

**Original Claim: 07/19/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
Section 17A.12(3) – Default

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 2, 2009, reference 02, that held she voluntarily quit without good cause on July 12, 2009, and that denied benefits. A telephone hearing was scheduled for December 28, 2009. The claimant did not participate. The employer did not participate.

ISSUE:

Whether the claimant voluntarily quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant failed to respond to the hearing notice and provide a telephone number to be contacted for the hearing. The claimant is defaulted for her failure to appear.

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.

The administrative law judge concludes the default is granted, due to the failure of the claimant to appear (respond to the hearing notice) for the hearing, which establishes she voluntarily quit without good cause on July 12, 2009.

The claimant appealed the department decision, but failed to appear for the hearing to contest the voluntary quit. The claimant is defaulted pursuant to Iowa Code section 17A.12(3), and the department decision remains in force and effect.

DECISION:

The department decision dated September 2, 2009, reference 02, is affirmed. The claimant voluntarily quit without good cause on July 12, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw