

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY G DIAKIS**  
Claimant

**APPEAL NO. 11A-UI-08573-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WINNEBAGO INDUSTRIES**  
Employer

**OC: 05/15/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 21, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 21, 2011. Claimant did not respond to the notice of hearing and did not participate. Employer participated by Pam Lampman. Employer's Exhibit 1 was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant was employed with the employer from July 26, 2010 through May 11, 2011. He failed to report for work or notify the employer of his absence for three consecutive workdays (May 9, 10, and 11, 2011) in violation of a known work rule. Claimant contacted a supervisor on May 12, 2011 and indicated that he was in jail.

**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 24.23(13) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(13) If a claimant is visiting in another area and is not in the labor market.

Claimant was absent three consecutive workdays without notice in violation of a known work rule. This separation is a quit without good cause attributable to the employer. Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

**DECISION:**

The June 21, 2011, reference 01, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

rrp/kjw