

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NATHAN BAILEY
Claimant

APPEAL NO. 09A-UI-09470-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHARLES DRAKE & ASSOCIATES
Employer

OC: 07/20/08
Claimant: Respondent (2)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Charles Drake & Associates (Drake) filed an appeal from a representative's decision dated June 26, 2009, reference 02, which held that no disqualification would be imposed regarding Nathan Bailey's separation from employment. After due notice was issued, a hearing was held by telephone on July 20, 2009. The employer participated by Charles Drake, Owner, and Kendra Hughes, Personnel Coordinator. Mr. Bailey did not respond to the notice of hearing.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Bailey began working for Drake, a staffing agency, in September of 2008. His last assignment was with Mercy Properties, where he began working full time on October 23, 2008. His last day at work was November 5. He called to report that he would be absent due to illness on November 6 and 7. He called on November 10 to report that he would be absent due to a back injury he sustained over the prior weekend. He called on November 11 to report that he would again be absent but planned on being at work on November 12.

Mr. Bailey did not report for work or contact the employer on November 12. The employer did not hear anything from him after November 11 until he called a few months later to indicate that he was again available for work. Continued work would have been available if he had returned to work or had notified the employer of his intentions on November 12.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Bailey abandoned his job when he stopped reporting for work or contacting the employer as of November 12, 2008. As such, his separation was a voluntary quit. An individual who leaves employment voluntarily is disqualified from

receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Bailey did not participate in the hearing to explain why he stopped reporting for work. The evidence of record does not establish any good cause attributable the employer for the separation. As such, benefits are denied.

No overpayment results from this reversal of the prior allowance as Mr. Bailey has not received benefits since filing his additional claim effective May 24, 2009.

DECISION:

The representative's decision dated June 26, 2009, reference 02, is hereby reversed. Mr. Bailey voluntarily quit his employment with Drake 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 is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css