

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CHRIS J BONETTE
PO BOX 163
MARATHON IA 50565

GRAY SPIRIT INC
NELSON SPORTS CO
100 FRONT ST
SIOUX RAPIDS IA 50585

Appeal Number: 05A-UI-11372-DWT
OC: 10/09/05 R: 01
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Gray Spirit, Inc. (employer) appealed a representative's November 2, 2005 decision (reference 01) that concluded Chris J. Bonnette (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 21, 2005. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Jack McDonald, the owner, appeared on the employer's behalf. Beth Nyquist observed the hearing. 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 unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer hired the claimant as a full time employee on September 1, 2005. The employer hired the claimant as a laborer but wanted to promote him. On September 19 and 20, the claimant did not report to work or notify the employer that he was unable to work as scheduled. On September 21, 2005, the claimant reported to work. The employer did not say anything to the claimant about his September 19 and 20 absences.

On September 27, 2005, the claimant worked about two hours and then went to a doctor's appointment. The employer understood the claimant would return to work after his doctor's appointment. The claimant did not report to work or notify the employer that he was unable to work any time after September 27, 2005. The claimant was scheduled to work after September 27. He again did not call or report to work. The employer tried to contact the claimant.

On October 10, 2005, the claimant called in response to the employer's messages. The claimant did not explain why he had not reported to work before. As of October 10, 2005, the employer no longer considered the claimant an employee because he had not contacted the employer for over ten days.

The claimant established a claim for unemployment insurance benefits during the week of October 9, 2005. The claimant has not filed any weekly claims.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The facts establish the claimant voluntarily quit when he abandoned his employment on September 27, 2005. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The claimant may have had compelling personal reasons for quitting. The claimant never told the employer why he failed to report to work or call the employer after September 27, 2005. The evidence does not establish that the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of October 9, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's November 2, 2005 decision (reference 01) is reversed. The claimant voluntarily quit his employment by abandoning it for reasons that do not qualify the claimant from receiving unemployment insurance benefits. The claimant is disqualified from receiving

unemployment insurance benefits as of October 9, 2005. 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.

dlw/tjc