

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MOHAMED OUSAMA ZOUAKI
Claimant

APPEAL NO. 13A-UI-13908-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JELD-WEN INC
Employer

OC: 12/01/13
Claimant: Appellant (1)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Mohamed Ousama Zouaki (claimant) appealed a representative's December 18, 2013, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Jeld-Wen (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 14, 2014. The claimant participated personally. The employer provided a telephone number but could not be reached at the time of the hearing. The administrative law judge left two messages for the employer. The employer did not return the administrative law judge's call.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 29, 2012, as a full-time assembler. The claimant was absent from work due to transportation issues, weather, and illness. Once he took vacation time, the employer approved it but later found out he did not have any vacation time available. The employer warned the claimant that he could be terminated if he had more days of absence. The claimant worked his last day on December 2, 2013. On December 3, 2013, his car broke down on the way to work. The claimant thought he would be terminated and never went back to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. The claimant stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's December 18, 2013, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs