

that Ms. Ronnenberg would be incarcerated indefinitely. Ms. Ronnenberg continued in the custody of the Linn County Sheriff for 17 days and had no additional communication with the employer during that time. When Ms. Ronnenberg was released, she contacted the employer and inquired about the status of her job. The person to whom Ms. Ronnenberg spoke did not know her status and agreed to check into it. Ms. Ronnenberg contacted the employer later the same day and learned that the employer considered her to have abandoned the employment. If Ms. Ronnenberg had a valid license at the time of her arrest, she no longer had a valid license upon her release from custody and was prohibited from driving. Ms. Ronnenberg lives in Cedar Rapids and had previously commuted to the TM1 Stop workplace in North Liberty.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the separation from employment should be deemed a quit and, if so, whether the quit was for 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.

871 IAC 24.25(16) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

- (16) The claimant is deemed to have left if such claimant becomes incarcerated.

The evidence in the record establishes that Ms. Ronnenberg ceased appearing for work for 17 days due to being incarcerated. Her absence from the employment is deemed a quit. See 871 IAC 24.25(16). The quit was not for good cause attributable to the employer. Accordingly, Ms. Ronnenberg is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Ronnenberg.

DECISION:

The Agency representative's decision dated September 14, 2005, reference 01 is affirmed. The claimant quit without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to the claimant.

jt/pjs