

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW D BLAUER
Claimant

APPEAL NO: 10A-UI-12540-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 07/25/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 27, 2010, reference 02, that held he voluntarily quit without good cause attributable to his employer on June 18, 2010, and benefits are denied. A telephone hearing was held on October 28, 2010. The claimant participated. Elaine Pruitt, Account Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work for the employer on assignment at Heinz Quality Chef as a full-time food production worker November 24, 2009. The claimant was off work due to surgery from February 11, 2010 to June 18, 2010. The claimant worked 8.75 hours on June 18, and failed to return to work. The claimant did not complete his work assignment, and he did not contact the employer for any other work.

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 24.25(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment effective June 18, 2010.

The claimant complained about not working from February to June, and after one day, on June 18, he abandoned his job by failing to report back to his assignment and/or contacting his employer for other work.

DECISION:

The department decision dated August 27, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on June 18, 2010 when he failed to report or check in for work. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css