

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL T MURPHY**  
Claimant

**APPEAL NO. 08A-UI-10609-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IAC IOWA CITY LLC**  
Employer

**OC: 07/06/08 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 29, 2008, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 1, 2008. Claimant participated. Employer participated by Teresa Feldmann, Assistant Human Resource Manager and Morene Welch, Human Resource Administrative Assistant.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 26, 2008. Claimant had arrived two hours late for work on September 24, 2008 because of car problems. Claimant reported the absence late pursuant to policy. Claimant then did not come in or call in for work September 25, 2008 and September 26, 2008 because he could not find his car keys. It was claimant's responsibility to provide transportation to and from work. Claimant understood he was on probation for absenteeism. Claimant came in September 26, 2008 and was instructed to see the assistant human resource manager. Claimant did not wait to see the manager because he assumed he was discharged. Claimant was never told that he was discharged.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he assumed he was discharged. Claimant had two absences and a tardy over the last three days. The missed time from work was due to transportation issues and not properly reported. Claimant assumed he was discharged because the three absences would take him over his limit. No one from the employer told claimant he was let go. Quitting based on an assumption is not good cause attributable to employer for a quit. Benefits withheld.

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.

**DECISION:**

The decision of the representative dated October 29, 2008, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css