

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HIRAN GONZALEZ**

Claimant

**APPEAL NO. 07A-UI-08582-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOLDEN OVAL EGGS LLC**

Employer

**OC: 08/05/07 R: 12  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Hiran Gonzalez filed an appeal from a decision of a representative dated September 4, 2007, reference 01, which denied benefits based upon his separation from Golden Oval Eggs, LLC. After due notice was issued, a hearing was held by telephone on September 24, 2007. Mr. Gonzalez participated personally. Participating as the official interpreter was Mr. Ike Rocha. The employer participated by Mike Niess, Operations Manager.

**ISSUE:**

At issue in this matter is whether the claimant voluntarily quit employment for reasons that were attributable to the employer or whether the claimant was discharged for misconduct in connection with his work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from May 27, 2004 until approximately March 5, 2007 when he left on a temporary leave to visit his daughter in Cuba who had been injured. Mr. Gonzalez requested permission from his immediate supervisor to be gone approximately one week. When the claimant did not report for scheduled work, the company sent a letter to the claimant indicating if the claimant did not return to work, he would be considered to have voluntarily quit his employment and his employment with the company would end. Mr. Gonzalez did not report back to work for an extended period of time staying in Cuba for approximately 45 days. It appears that on two occasions the claimant contacted a receptionist indicating that he was still in Cuba. The claimant did not request or receive authorization from management to be gone beyond the anticipated one-week time limit. After the claimant had been gone for an extended period of time and had not received permission, his name was removed from company rolls.

## **REASONING AND CONCLUSIONS OF LAW:**

In this case the evidence establishes that Mr. Gonzalez' employment with Golden Oval Eggs, LLC., came to an end after the claimant voluntarily relinquished his position with the company by failing to report for scheduled work for an extended period of time without authorization. The claimant testified under oath that he had received initial authorization from his immediate supervisor to be gone for an approximate one-week period. The evidence is uncontradicted that after that period Mr. Gonzalez did not request or receive permission from management to extend the period of time that he could be away from work. The claimant testified that he contacted a company "receptionist" by telephone on two occasions. Mr. Gonzalez was aware of the correct telephone number to call to reach management and was aware that permission to extend his time away from work needed to be requested and approved. When the claimant did not return to work for an extended period of time, the employer reasonably concluded that the claimant had chosen to voluntarily relinquish his position due to job abandonment.

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.

For the reasons stated herein, the administrative law judge finds: That the claimant voluntarily quit employment by failing to report for ongoing available work for extended period of time without providing reasonable notice or receiving permission to be absent. Benefits are withheld.

## **DECISION:**

The representative's decision dated September 4, 2007, reference 01, is hereby affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, providing the claimant meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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