

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TXOOV VANG
Claimant

APPEAL NO. 09A-UI-11675-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

**Original Claim: 07/05/09
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 12, 2009, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 31, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Will Sager participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full-time for the employer as production worker from November 4, 2008, to June 13, 2009. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled and would be considered to have voluntarily quit employment after three days of absence without notice to the employer, provided they had received 14 attendance points. Employees received three points for absences without notice.

Prior to June 13, the claimant had 12 points. On June 13, the claimant was arrested at work for a probation violation and taken to jail. He was absent from work without notice while he was in jail from June 13 through 28 and accumulated a total of 22 points. He was considered to have voluntarily quit employment under the employer's work rules.

The claimant never offered to return to work, because he understood the employer's policy and believed he had been terminated.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment 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.

Under the unemployment insurance rules, a claimant is deemed to have voluntarily quit employment without good cause attributable to the employer if such claimant becomes incarcerated. 871 IAC 24.25(16). The rule applies to this case since the claimant's action in violating his probation caused him to be lodged in jail. He was absent from work without notice after June 13 and never offered to return to work. The claimant voluntarily quit employment without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated August 12, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw