

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DUSTEN A BEAVERS
Claimant

APPEAL NO: 13A-UI-04792-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TSI ENTERPRISES INC
Employer

OC: 03/24/13
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 April 18, 2013 reference 01 that held he voluntarily quit without good cause attributable to his employer on December 26, 2012, and benefits are denied. A telephone hearing was held on May 29, 2013. The claimant did not participate. Sarah Fiedler, HR Generalist, 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 witness testimony and having considered the evidence in the record, finds: The claimant worked for the employer as full-time general labor at Grain Processing Corporation from May 9, 2012 to December 26, 2012. The claimant walked off the job and when he was later contacted by the employer he stated he found other employment and would not return. Continuing employment was available to claimant.

Claimant failed to respond to the hearing notice.

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 on December 26, 2012.

The claimant gave no notice he was quitting and walked-off the job. There is no evidence claimant had found other employment.

DECISION:

The department decision dated April 18, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on December 26, 2012. 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/pjs