

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**FELECIA S HENRY
225 – 5TH ST NW
CEDAR RAPIDS IA 52405**

**L A LEASING INC
SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265**

**Appeal Number: 04A-UI-09749-CT
OC: 12/28/03 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Felecia Henry filed an appeal from a representative's decision dated September 1, 2004, reference 03, which denied benefits based on her separation from Sedona Staffing. After due notice was issued, a hearing was held by telephone on October 1, 2004. Ms. Henry participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Henry began working through Sedona Staffing on April 1, 2004 and was assigned to work full time at All Side Window Company. The assignment was of indefinite duration and could have resulted in regular, full-time employment with the client company. Ms. Henry left the employment because she was required to spend time in jail as a result of unpaid court fines. She last worked on June 30 and became incarcerated on July 5. Sedona Staffing did not have work available when Ms. Henry was released from jail after August 6. Her incarceration was the sole reason for the June 30, 2004 separation.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Henry was separated from employment for any disqualifying reason. She became separated from employment when she became incarcerated. Under such circumstances, an individual is presumed to have voluntarily quit employment for no good cause attributable to the employer. See 871 IAC 24.25(16). Inasmuch as there was no other reason for the separation, benefits are denied.

DECISION:

The representative's decision dated September 1, 2004, reference 03, is hereby affirmed. Ms. Henry quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjf