

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ODECIUS P GRAY**  
Claimant

**APPEAL NO: 19A-UI-02789-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TPI IOWA II LLC**  
Employer

**OC: 06/03/18**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 28, 2019, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 23, 2019. The claimant participated in the hearing with friend Otis Glotto. Dannielle Williams, Senior Human Resources Coordinator, participated in the hearing on behalf of the employer. Employer's Exhibits One through Four were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production worker for TPI Iowa II from August 20, 2018 to February 28, 2019. The claimant acknowledged being incarcerated during scheduled workdays.

The claimant was arrested upon leaving work February 23, 2019, on a warrant for failure to appear in court in 2017. On February 25, 2019, the claimant called his production leader rather than the automated attendance line to report his absence. He did not call the employer February 26, 27 or 28, 2019, and the employer considered him to have abandoned his job per its no-call/no-show policy (Employer's Exhibits One and Two).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6(2) (amended 1998).

The claimant did not have any paid time off (PTO) remaining when he was arrested February 23, 2019. He called his supervisor February 25, 2019, rather than the automated attendance line, and told him he was in jail but he did not call the employer February 26, 27 or 28, 2019, and did not contact the employer after his release from jail. The claimant's incarceration on multiple scheduled workdays was not a good-cause reason attributable to the employer for leaving. The employer's attribution of the absences as job abandonment and voluntary leaving of employment was reasonable as it is not expected to hold employment for incarcerated employees who do not have vacation or PTO left to cover the absence and do not report their absences each day or contact the employer upon his release. Therefore, benefits must be denied.

**DECISION:**

The March 28, 2019, reference 03, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn