

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JADEN A WILDER**  
Claimant

**APPEAL NO: 12A-UI-11382-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 06/19/11**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(16) – Incarceration

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 11, 2012, reference 10, that held he voluntarily quit without good cause attributable to his employer due to an incarceration on June 24, 2012, and benefits are denied. A telephone hearing was held on October 17, 2012. The claimant participated. Rhonda Hefter, HR Supervisor, and Bill Heiden, Placement Coordinator, Manager, 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 testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began part-time warehouse employment on a temporary work assignment at Mrs. Clarks Foods on April 13, 2012, and he last worked for the employer on June 20, 2012. The claimant knew he was scheduled work on June 24. The claimant called the employer and let it know he had been arrested and incarcerated at the Polk County jail. He remained in jail for about two weeks, and was released.

The employer considers the claimant quit due to his incarceration with the uncertainty about the period of absence from work.

**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(16) 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:

(16) The claimant is deemed to have left if such claimant becomes incarcerated.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to incarceration on June 24, 2012.

The law considers an employment separation due to incarceration as a voluntary quit without good cause attributable to the employer. Although this is a voluntary quit of part-time employment, claimant does not have sufficient wage credits earned with other base period employers to qualify.

**DECISION:**

The department decision dated September 11, 2012, reference 10, is affirmed. The claimant voluntarily quit without good cause attributable to his employer on June 24, 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.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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