

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ZACKERY LANZOURAKIS**  
Claimant

**APPEAL NO: 11A-UI-14498-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IMKO ENTERPRISES INC**  
Employer

**OC: 05/08/11  
Claimant: Appellant (5)**

Iowa Code § 96.5(a) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 1, 2011 determination (reference 06) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had been discharged for disqualifying reasons. Twenty minutes before the scheduled hearing, the claimant's wife called and asked for a continuance because the claimant was working and was not done until 4:30 p.m. This was request was denied because the claimant did not make a timely request.

Chanda Brendle appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a temporary staffing firm. The claimant started working for the employer's clients in November 2010.

The most recent job the employer assigned to the claimant started on August 3, 2011. This job was a temp to hire job. Although the claimant's job was not in jeopardy prior to October 13, 2011, he did not call or report to work this day. The claimant did not contact the employer any time after October 13.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. When the claimant did not call or

report to work after October 12, 2011, he quit by abandoning his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant may have had compelling reasons for failing to call or report to work any time after October 12, 2011. The evidence does not establish that he quit for reasons that qualify him to receive benefits.

**DECISION:**

The representative's November 1, 2011 determination (reference 06) is modified, but the modification has no legal consequence. The employer did not discharge the claimant. Instead, the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 9, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs