

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREGORY C WRIGHT**  
Claimant

**APPEAL NO. 13A-UI-02915-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WESTAR FOODS INC**  
Employer

**OC: 02/10/13**  
**Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated March 8, 2013, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 8, 2013. Claimant participated. Employer participated by Jill Lang, District Manager and Jeff Oswald, Employer's Representative UIS. Claimant failed to respond to the hearing notice and did not participate.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant is still working for employer to date of hearing. Claimant gave two-week notice because he thought he was going to jail. Claimant was not incarcerated. Employer did not sever the employment relationship, instead it accommodated claimant's work hours. No separation of employment occurred.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant left employment with employer. Claimant is still employed at the same job. An anticipated separation is not a disqualifiable event. This separation date is moot as claimant remains employed at the same hours and wages. This decision is moot.

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.

**DECISION:**

The decision of the representative dated March 8, 2013, reference 01, is modified and held moot. Since no separation of employment occurred there can be no disqualification or qualification based on work for Westar Foods, Inc.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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