

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICARDO A LARIOS
Claimant

APPEAL NO. 11A-UI-10168-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

NITE OWL STAFFING INC
Employer

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

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ricardo A. Larios filed a timely appeal from an unemployment insurance decision dated July 26, 2011, reference 01, that disqualified him for benefits. Due notice was issued for a hearing to be held in Des Moines, Iowa, on August 31, 2011. Neither the claimant nor his former employer, Nite Owl Staffing, Inc., appeared. This decision is based on information in the fact-finding record.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

The employment of Ricardo A. Larios with Nite Owl Staffing, Inc., ended on July 9, 2010, when he was arrested and confined in jail. He has not contacted Nite Owl Staffing, Inc. since then.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. As noted above, the claimant did not participate in the hearing. His appeal letter corroborates the statement given by the employer during the fact-finding process that the employment ended because Mr. Larios was incarcerated. An individual who leaves work under such circumstances is presumed to have left work without good cause attributable to the employer. Benefits are withheld.

DECISION:

The unemployment insurance decision dated July 26, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw