

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TODD J SEDA**  
Claimant

**APPEAL NO. 14A-UI-09203-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MATERIAL CONTROL SYSTEMS INC**  
Employer

**OC: 08/03/14**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Todd Seda (claimant) appealed a representative's August 25, 2014 (reference 01) decision that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Material Control Systems (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 24, 2014. The claimant participated personally. The employer participated by Brad Palmer, Risk Management/Human Resources Director, and Brian Stevens, Facility Manager.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 14, 2011 as a full-time logistics agent. The claimant signed for receipt of the employer's handbook. On April 30, 2014 the employer issued the claimant a written warning for excessive absences. The employer notified the claimant that further infractions could result in termination from employment. In order to leave work in the middle of a shift an employee must notify his direct supervisor and complete a form.

On May 5, 2014 at about 12:30 p.m. the employer met with the claimant and verbally reprimanded him regarding performance issues. This upset the claimant. At about 1:00 p.m. the claimant decided he wanted to go home. He mentioned this to a quality control worker. The claimant did not speak to his supervisor or complete the proper form before he left work. The claimant did clock out.

About thirty minutes after the claimant left, the supervisor heard from other workers that the claimant left work. The supervisor sent the claimant a text saying he was done because he abandoned his job. The supervisor told the claimant to turn in his phone and keys. The claimant did not contact the employer to say the supervisor was mistaken about abandoning his job. On or about May 12, 2014 the claimant returned the phone and keys. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(28) 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:

- (28) The claimant left after being reprimanded.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his actions. He walked off the job and quit work. When an employee quits work after having been reprimanded, his leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's August 25, 2014 (reference 01) decision is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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