

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSHUA A THAYER**  
Claimant

**APPEAL NO. 09A-UI-006501-VS**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SECURITAS SECURITY SERVICES USA**  
Employer

**Original Claim: 03/15/09  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated April 16, 2009, reference 02, which held the claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 20, 2009, in Dubuque, Iowa. The claimant participated. The employer did not participate. The record consists of the testimony of Joshua Thayer.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant was hired as a security officer to work at the ADM plant in Clinton, Iowa. In October 2008, the claimant was transferred by the employer to serve as a site supervisor in Booneville, Indiana. He was still employed by Securitas. He worked in Booneville, Indiana, for approximately three months and was then laid off. At the time of the hearing, the claimant was still laid off and had not been offered any work by the employer.

**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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act

carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in this case showed that the claimant is still an employee of Securitas and did not voluntarily quit his job on October 15, 2008. He did leave Iowa and move to Indiana in October 15, 2008, but this was a job transfer with the same employer. The claimant is presently laid off from Securitas. Accordingly, there is no evidence of an intention on the part of the claimant to sever the employment relationship. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The decision of the representative dated April 16, 2009, reference 02, is reversed. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/kjw