

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSIE A BOLLIE**  
Claimant

**APPEAL NO. 12A-UI-05187-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROWER BOWLING INC**  
**TIGER BOWL**  
Employer

**OC: 03/25/12**  
**Claimant: Appellant (2)**

Section 96.5(1) – Quit  
Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Jessie Bollie, filed an appeal from a decision dated April 24, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 30, 2012. The claimant participated on her own behalf. The employer, Tiger Bowl, participated by Owner Troy Brower.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Jessie Bollie was employed by Tiger Bowl from October 2010 until March 26, 2012 as a part-time counter attendant/cook. The work place was very confused and disorganized and Ms. Bollie found it stressful. On March 26, 2012, she asked Owner Troy Brower not to schedule her for the month of April 2012. She did not give a reason, did not explain she intended to come back in May, and did not mention anything about the disorganization of the business being stressful.

Mr. Brower did not ask her why she wanted the month off or when she intended to return. He assumed she was quitting and told her to leave immediately.

**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.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

A voluntary quit requires an intention to quit accompanied by an overt act carrying out that intent. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Asking for time off is not a resignation. It is a request for a leave of absence. For the employer to assume the claimant quit is unfounded and his dismissal of her is a discharge without any misconduct. Disqualification may not be imposed.

**DECISION:**

The representative's decision of April 24, 2012, reference 01, is reversed. Jessie Bollie is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs