

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUG ZABEL
Claimant

APPEAL NO: 07A-UI-04889-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BENNETT TRUCK SERVICE
Employer

**OC: 04/15/07 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Doug Zabel (claimant) appealed an unemployment insurance decision dated May 3, 2007, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Bennett Truck Service (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2007. The claimant participated in the hearing with his friend Jean Ann Kirby. The employer participated through owner Roger Bennett. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

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 employed as a part-time body man from August 1997 through April 4, 2007 when he walked off the job and quit. He was "extremely upset" with the employer's attitude because the claimant felt like the employer acted as if the employees did not know what they were doing. The claimant said the employer had a "grumpy, pissy attitude" and once in a while he had a "temper tantrum" and threw things, although they were not thrown at anyone. On the morning of his last day, the claimant reported the employer "grilled him like a drill sergeant." The employer did admit questioning the claimant as to what he had been working on the day before. Employees are required to document the work they were doing so the employer can bill out for that work but the claimant failed to do this. Since the employer could not rely on the claimant's documentation, he had to question the claimant in order to run his business. The claimant evidently resented this questioning.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by walking off the job and failing to return to work.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code section 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated May 3, 2007, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs