

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RODNEY G KAPSALAKIS**  
Claimant

**APPEAL NO. 08A-UI-06753-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SDH SERVICES WEST LLC**  
Employer

**OC: 01/27/08 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 23, 2008, reference 05, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 7, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Val Steuber participated in the hearing on behalf of the employer with a witness, Antonio Rivera.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a cook from March 27, 2007, to January 24, 2008. On January 24, 2008, an employee reported to the executive chef, Antonio Rivera, that the claimant had harassed her.

Rivera called the claimant and told him to stay until the shift ended so that he could talk to the claimant about an employee complaint. The claimant left work one half hour before the end of his shift. He commented to a coworker as he was leaving, "screw this place" and threw his keys into the supervisor's work area.

On the evening of January 24, the claimant called Rivera at home. Rivera told the claimant that they would talk at work the next day. The claimant did not report to work the next day. The employer had not made any decision regarding the claimant's employment status, and no manager informed him that his employment was terminated.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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 voluntarily quit employment after the employer received a complaint regarding his conduct. No action had been taken to terminate the claimant's employment. The claimant voluntarily quit employment without any cause attributable to the employer.

**DECISION:**

The unemployment insurance decision dated July 23, 2008, reference 05, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw