

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MENDY R WEARS
Claimant

APPEAL NO. 13A-UI-11006-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CORNERSTONE STAFFING
SOLUTIONS INC**
Employer

**OC: 09/01/13
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Mendy Wears (claimant) appealed a representative's September 24, 2013, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Cornerstone Staffing Solutions (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 25, 2013. The claimant participated personally. The employer was represented by Tom Kuiper, Hearings Representative, and participated by Amner Martinez, On Site Coordinator.

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 August 5, 2013, as a full-time temporary Manufacturing Associate 1 assigned to work at Hewlett-Packard. On September 3, 2013, the claimant received a call from her daughter before noon. Her daughter was ill with blood pressure issues. She told the claimant she had to leave work and take care of the claimant's granddaughter. The employer had two on site coordinators at 11:45 a.m. on September 3, 2013, when the claimant left work but the claimant did not notify them she was leaving. As she walked out, she told a lead supervisor for Hewlett-Packard that she was leaving. Later that afternoon the onsite coordinator for the employer was notified that the claimant had walked off the job. The onsite coordinator called the claimant on the telephone and told her she needed to follow the point system for Hewlett-Packard and return to work the following day. The claimant thought the onsite coordinator said she should not return to work the following day. The claimant never returned to work. 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 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 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 the claimant's actions. The claimant walked off the job site and stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's September 24, 2013, decision (reference 01) 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs