

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMY J BRATT
Claimant

APPEAL NO. 09A-UI-07205-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE CBE GROUP INC
Employer

OC: 03/01/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 8, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 4, 2009. Claimant participated. Employer participated by Mary Phillips, Senior Vice President of Human Resources, and Eric Andorf, CollectorTrainer. The record consists of the testimony of Tammy Bratt and the testimony of Mary Phillips.

ISSUE:

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

FINDINGS OF FACT:

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

The claimant worked for the employer from September 2, 2008, through September 9, 2008. The employer is a collection agency and one of its clients is the Internal Revenue Service (IRS). The claimant was hired to be a collector for the IRS. Before the IRS will permit an individual to do collection work on its behalf, however, a detailed security investigation must be conducted. The claimant did not want to do other collection work while she waited for her clearance to come through. She then quit her job.

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 established that the claimant voluntarily quit her job without good cause attributable to the employer. The claimant simply decided that she did not want to do the job and left. Ms. Phillips testified that the claimant told the employer that she had another job. Regardless of the reason why the claimant left, it is clear that she intended to sever her employment relationship with The CBE Group and did so by quitting voluntarily.

DECISION:

The decision of the representative dated May 8, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css