

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL T CARTER**  
Claimant

**APPEAL NO. 09A-UI-07814-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JAMES RIVER CARE CENTER**  
Employer

**Original Claim: 04/05/09  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Michael Carter (claimant) appealed a representative's May 18, 2009 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with James River Care Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 15, 2009. The claimant participated personally. The employer participated by Sally Raney, Human Resources Manager.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on January 27, 2009, as a full-time certified nurse aid. The claimant signed for receipt of the employer's handbook on January 27, 2009. The claimant had car problems and did not appear for work or notify the employer of his absence after March 4, 2009. 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 stopped appearing for work and answering the telephone. 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.

The claimant's and the employer's testimony was conflicting. The administrative law judge finds the employer's testimony to be more credible. The claimant could not remember the facts of his separation clearly. His testimony was not consistent.

**DECISION:**

The representative's May 18, 2009 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.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw