

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANNA LAHUE
Claimant

APPEAL NO. 09A-UI-17917-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

**Original Claim: 10/11/09
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Dianna Lahue (claimant) appealed an unemployment insurance decision dated November 24, 2009, reference 03, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Labor Ready Midwest, Inc. (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 January 8, 2010. The claimant participated in the hearing. The employer participated through Jessica Spinello, Multi-Branch Manager. 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 her to receive unemployment insurance benefits?

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 in June 2009 and was assigned to work for Elite Flag Company. She has worked directly for Elite and has worked for the flag company through several temporary agencies for the last eight years. The claimant requested a week off work from the flag company from September 14, 2009 through September 18, 2009. Her assignment ended on September 15, 2009 and the claimant never returned to obtain additional work. She contends she had been speaking with the flag company and they did not have any work available. However, the employer put other employees to work with the flag company after that date and the claimant could have returned to work but elected not to, since she did not think the flag company had any available work. The employer has a good working relationship with the flag company and since the flag business slows in the fall, the employer can put the flag employees to work at other assignments until flag work becomes available.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 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 her intent to quit and acted to carry it out by failing to call or return to the employer for additional work after September 15, 2009.

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

DECISION:

The unemployment insurance decision dated November 24, 2009, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw