

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEATHER A GOLDEN**

Claimant

**APPEAL NO. 11A-UI-06194-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STREAM INTERNATIONAL INC**

Employer

**OC: 04/03/11**

**Claimant: Respondent (4-R)**

Iowa Code Section 96.5(1) – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit of Part-time Employment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the April 28, 2011, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on June 9, 2011. Claimant participated. Monica Bloom-Ensminger represented the employer and presented additional testimony through Scott Putney.

**ISSUE:**

Whether Ms. Golden separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Heather Golden was employed by Stream International as a customer service representative. Ms. Golden worked approximately 30 hours per week, making the employment part time. Ms. Golden's immediate supervisor was Team Manager Scott Putney.

On April 6, 2011, Ms. Golden was late for work and then left an hour later without notifying a supervisor or obtaining permission. Ms. Golden took her personal effects with her. Later that day, Monica Bloom-Ensminger telephoned Ms. Golden, but had to leave a message. In the message, Ms. Bloom-Ensminger directed Ms. Golden to return her call or get in touch with Mr. Putney by the close of business on April 6. Ms. Bloom-Ensminger warned that Ms. Golden's employment would be in jeopardy if she failed to make contact as directed. Ms. Bloom-Ensminger did not tell Ms. Golden that she was discharged from the employment. Ms. Golden did not make contact with the employer.

Ms. Golden was next scheduled to work on April 8 and 9, but failed to appear or make further contact with the employer.

Toward the end of the employment, Ms. Golden was at the high end of the employer's allowable attendance points.

## REASONING AND CONCLUSIONS OF LAW:

A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, or failure to pass a probationary period. 871 IAC 24.1(113)(c). 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 weight of the evidence establishes a voluntary quit, not a discharge. The weight of the evidence establishes that when Ms. Golden left the workplace early without authorization on April 6, she did so with the intent of separating from the employment. Ms. Golden's testimony that she was not feeling well, but nonetheless decided that was the moment that she should removal her plant from the workplace is not credible. The weight of the evidence establishes that Ms. Bloom-Ensminger did not tell Ms. Golden in the message of April 6 that Ms. Golden was discharged from the employment. The evidence indicates the employer continued to hold out hope that Ms. Golden would appear for her shifts on April 8 and 9.

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 weight of the evidence establishes that Ms. Golden voluntarily quit the employment for personal reasons and not for good cause attributable to the employer. The employer's account will not be charged for benefits paid to Ms. Golden. Ms. Golden is disqualified for benefits *based on wages earned through this employment* until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

Ms. Golden continues to be eligible for reduced benefits based on base period wage credits from employment *other than* Stream International, provided she has sufficient wage credits and meets all other eligibility requirements. This matter will be remanded to the Claims Division for determination of Ms. Golden's eligibility for reduced benefits.

**DECISION:**

The Agency representative's April 28, 2011, reference 01, decision is modified as follows.

The claimant voluntarily quit the *part-time* employment without good cause attributable to the employer. The employer's account shall not be charged. The claimant is disqualified for benefits *based on wages earned through this employment* until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant is eligible for reduced benefits based on base period wage credits from employment *other than* Stream International, provided she has sufficient wage credits and meets all other eligibility requirements. This matter will be remanded to the Claims Division for determination of the claimant's eligibility for reduced benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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