

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN L WILLIAMS

Claimant

APPEAL NO. 12A-UI-03630-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LC

Employer

OC: 02/19/12

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kevin Williams filed a timely appeal from the March 29, 2012, reference 01, decision that denied benefits in connection with a January 20, 2012 separation. After due notice was issued, a hearing was held on April 26, 2012. Mr. Williams participated. Joey Moore represented the employer.

ISSUE:

Whether Mr. Williams' voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a staffing agency. In 2010, the employer placed Kevin Williams in a long-term, full-time assignment at Titan Distribution in Des Moines. On January 20, 2012, the employer notified Mr. Williams that he had been selected for a random drug screen. While the employer went to notify other employees of their selection for random drug screen, Mr. Williams promptly absconded from the workplace with the drug screen request form, the employer-owned clipboard to which the form was attached, and his personal effects. Mr. Williams did not return to the employment or make further contact with the employer.

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.

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.

Mr. Williams provided false testimony at the hearing. The false testimony included an assertion that he had quit due to personal problems, that he had quit due to a loss of transportation, and that the employer had been unresponsive to his attempts to discuss his personal issues. While these reasons for leaving the employment, would have established a voluntary quit without good cause attributable to the employer, the evidence establishes that Mr. Williams voluntarily quit the employment to avoid submitting to a random drug test or facing the consequences of a failed test. Mr. Williams voluntarily quit the employment without good cause attributable to the employer. Mr. Williams is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. Williams.

DECISION:

The Agency representative's March 29, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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