

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA A BOL
Claimant

APPEAL NO. 11A-UI-06862-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDH EDUCATION WEST LLC
Employer

OC: 04-03-11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 17, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 22, 2011. The claimant did participate. The employer did participate through Danny Crozier, General Manager. Employer's Exhibit One was entered and received into the record.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a food preparation cook part time beginning October 26, 2009 through February 11, 2011 when she voluntarily quit. The claimant voluntarily quit working on February 11, 2011 when she called her supervisor Judy Jessen on that date and told her she thought the world was going to end on May 21, 2011 and she did not want to spend her remaining time on earth working.

The claimant had been off work for a non-work-related hand/arm injury since January 16 and was told by the employer to fill out leave of absence forms and to bring a doctor's note with her when she returned to work. The claimant did not return any of the required paper work nor did she provide any doctor's notes for the employer. Had she done so, she would have been allowed to return to work. The employer had final contact with her on February 11 when she called to quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The May 17, 2011 (reference 01) decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs