

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA GARCIA
Claimant

APPEAL NO. 13A-UI-07868-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PACKERS SANITATION SERVICES INC
Employer

OC: 06/02/13
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Maria Garcia filed a timely appeal from the July 1, 2013, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on August 12, 2013. At the time set for the hearing, Ms. Garcia was not available at the number she had provided for the hearing. Floyd Jones represented the employer. The Appeals Section had secured Spanish-English Interpreter Noe Murillo to assist with the hearing.

ISSUE:

Whether Ms. Garcia 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: Maria Garcia was employed by Packers Sanitation Services as a full-time sanitation laborer from July 2012 until November 23, 2012, when she voluntarily quit by ceasing to report for work and by making no further contact with the employer. Ms. Garcia did not provide the employer with a reason for her sudden departure from the employment and did not subsequently contact the employer to attempt to return to the employment. At the time Ms. Garcia ceased reporting for work, the employer continued to have work for her.

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.

Ms. Garcia did not participate in the hearing and did not present any evidence to establish that her voluntary quit was for good cause attributable to the employer or for some other reason that would allow her to be eligible for unemployment insurance benefits. The weight of the evidence indicates a voluntary quit for personal reasons and without good cause attributable to the employer. Ms. Garcia is disqualified for benefits 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 employer's account shall not be charged for benefits.

DECISION:

The agency representative's July 1, 2013, reference 03, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits 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 employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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