

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LASHAUN NASH
Claimant

APPEAL NO: 10A-UI-09023-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**EMPIRE FOUNDRY PRODUCTION
& RECLAIM INC**
Employer

OC: 09/13/10
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Lashaun Nash (claimant) appealed an unemployment insurance decision dated June 14, 2010, reference 08, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Empire Foundry Production & Reclaim, 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 August 11, 2010. The claimant participated in the hearing. The employer participated through owner Jeremy Brown. 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 him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer from January 18, 2010 through May 6, 2010 when he was terminated for walking off the job at 11:30 a.m. He is on probation and has meetings and appointments on Tuesdays and Thursdays. His first class is held at 2:00 p.m., he meets with his probation officer at 3:00 p.m. and has another class at 5:30 p.m. He contends he told his supervisor that he was leaving early that day but the supervisor told the employer he was not aware of why the claimant left early.

Since the claimant just disappeared, the employer contacted the claimant's probation officer and told him he was no longer employed due to job abandonment. The claimant became angry that the employer contacted his probation officer and called the employer and left an angry message.

The claimant was asked during the hearing why he left so early on May 6, 2010 and he said he had an appointment at occupational health due to a work-related injury. The employer advised

that no appointments are needed at occupational health and it is only a mile down the road from where the employer was working. The records confirm the claimant was seen at occupational health at 1:17 p.m. that day but it does not explain why the claimant left so early.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he 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 his intent to quit and acted to carry it out by walking off the job early on May 6, 2010 without notifying the employer.

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

DECISION:

The unemployment insurance decision dated June 14, 2010, reference 08, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs