

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEELE R BOUGHTON
Claimant

APPEAL NO. 11A-UI-03330-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**OC: 01/30/11
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed a timely appeal from the March 15, 2011, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on April 7, 2011. Claimant did not respond to the hearing notice instruction to provide a telephone number for the hearing and did not participate. Account Manager Jenny McNeil represented the employer. Exhibit One was received into evidence. The administrative law judge took official notice of the Agency's administrative record regarding benefits disbursed to the claimant, which records indicate that no benefits have been disbursed to the claimant in connection with the claim that was effective January 30, 2011.

ISSUE:

Whether Mr. Boughton separated from the employment for a reason that disqualifies him for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a staffing agency. Steele Boughton was assigned to a full-time temp-to-hire work assignment, started the assignment on October 21, 2010, and last performed work in the assignment on November 18, 2010. Mr. Boughton thereafter ceased appearing for the assignment and made no further contact with the employer. Mr. Boughton was a no-call, no-show for shifts on November 19, 22, and 23, 2010.

No benefits have been disbursed to Mr. Boughton in connection with the claim that was effective January 30, 2011.

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.

The evidence in the record indicates that Mr. Boughton voluntarily quit his full-time employment effective November 19, 2010, when he ceased appearing for further work and made no further contact with the employer. Mr. Boughton voluntarily quit the employment without good cause attributable to the employer. Mr. Boughton 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. Boughton.

Because no benefits have been disbursed in connection with the claim that was effective January 30, 2011, there is no overpayment of benefits to be addressed.

DECISION:

The Agency representative's March 15, 2011, reference 01, decision is reversed. The claimant voluntarily quit the employment effective November 19, 2010 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.

No benefits were disbursed and there is no overpayment of benefits to be addressed.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw