

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTOR E MATTHEWS

Claimant

APPEAL NO. 14A-UI-02102-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AUTO SYSTEMS EXPERTS INC
MIDAS AUTO SYSTEMS EXPERTS**

Employer

OC: 01/26/14

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Victor Matthews (claimant) appealed a representative's February 21, 2014, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Auto Systems Experts (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 18, 2014. The claimant participated personally. The employer participated by Kenneth Caskey, District Manager, and Nelson McCarty, Service Advisor. The employer offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on September 9, 2013, as a full-time service manager. The claimant requested and went home at about 10:30 a.m. on November 1, 2013. He had a sore back and took pain medication. The claimant repeatedly called the store and spoke to the service advisor. The service advisor was concerned because the claimant did not sound like himself. He could not understand the claimant because his words were slurred and the claimant was agitated. The claimant called the store about 11 times between 10:30 a.m. and 5:30 p.m. on November 1, 2013.

The claimant called the district manager at about 3:30 p.m. to complain about a technician. The claimant wanted the district manager to fire the technician but his words were unintelligible. The district manager told the claimant to take the rest of the day. The claimant started a garbled rant. The district manager said they were done and the claimant hung up the telephone. At about 6:00 p.m. the claimant called the district manager again and said, "So I'm done". The district manager asked if that were a question or a comment. The claimant said he was done and hung up. On November 2, 2013, the claimant did not appear for work. The claimant thought he was terminated but did not speak to the employer about the situation after

November 1, 2013. On November 4, 2013, the claimant appeared late and turned in work items. The employer assumed the claimant had quit work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

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). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. The claimant stopped appearing for work and turned in work items. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's February 21, 2014, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css