

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATHAN R SHAFFER**  
Claimant

**APPEAL NO. 10A-UI-05509-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GREG'S LAWN SERVICE INC**  
Employer

**OC: 01/10/10**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the April 7, 2010 (reference 03) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on May 28, 2010. Claimant participated. Employer participated through Greg Scharf, Justin Harris, and Linda Simon.

**ISSUE:**

The issue is whether claimant voluntarily left the employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as a laborer and was separated from employment on March 12, 2010. His last day of work was November 10, 2009 when claimant volunteered for layoff. Employer attempted to recall him on December 8, 9, and 20, 2009 to work for snow events but there was no response and employer later found out he went on a hunting trip. Claimant argued that he did not receive any calls for snow events but did not follow up with management to find out why even though he was expecting calls. Claimant signed a document that required him to report for any snow events or be considered to have quit. His roommate, Andy Sawyer, said he had been fired since he had not shown up for work. Claimant did not verify that information with management. Any issues with his paycheck were resolved after he brought it to Harris' attention.

**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.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998). Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer.

Since claimant did not follow up with management personnel or the owner, and his assumption of having been fired was erroneous, claimant's failure to continue reporting to work was an abandonment of his job. Benefits are denied.

**DECISION:**

The April 7, 2010 (reference 03) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/pjs