

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIFFINIE M MARSHALL
Claimant

APPEAL NO. 16A-UI-08969-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

YELLOWBOOK INC
Employer

**OC: 01/31/16
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Yellowbook (employer) appealed a representative's August 8, 2016, decision (reference 07) that concluded Tiffinie Marshall (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 6, 2016. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Curt Murray, Sales Manager. Exhibit D-1 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 June 20, 2016, as a full-time telephone client services consultant. On July 14, 2016, the claimant sent the employer a text message at 10:34 a.m. The message said that she went to an appointment and would be back soon. The sales manager responded by saying, "Who is this". The claimant identified herself. The sales manager had never received a text from the claimant before. The sales manager told the claimant, "In the future you need to let me know before you leave." There was no further communication between the two. The claimant did not appear for her shifts on July 15, 18, or 19, 2016. She did not contact the employer after July 14, 2016. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of January 31, 2016. She filed an additional claim for benefits on July 24, 2016. She has received no unemployment insurance benefits. The employer participated at the fact-finding interview on August 5, 2016, by Maria Gaffney.

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 § 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 reporting her absence. 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 August 8, 2016, decision (reference 07) is reversed. 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/pjs