

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LESLIE L SLAUGHTER
Claimant

APPEAL NO. 13A-UI-11685-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MENARD INC
Employer

OC: 09/22/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated October 10, 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on November 8, 2013. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. The record consists of the testimony of Leslie Slaughter.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked at Menards in Iowa City, Iowa, as a part-time sales clerk. She was hired on or about April 22, 2013. She quit her job on June 22, 2013, for health reasons. She is now self-employed.

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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 claimant is not eligible for unemployment insurance benefits. The evidence is uncontroverted that the claimant voluntarily quit her job for personal health reasons. The employer accepted her resignation. The claimant is presently self-employed. Benefits are denied.

DECISION:

The decision of the representative dated October 10, 2013, reference 01, is affirmed. Unemployment insurance benefits denied.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css