

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARL F LINDSTROM
Claimant

FARLEY'S & SATHERS CANDY CO INC
Employer

APPEAL NO: 11A-UI-02309-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/16/10
Claimant: Appellant (5)

Section 96.5-1 – Voluntary Quit/Job Abandonment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 16, 2011, reference 01, that held he was discharged for misconduct employer on January 19, 2011, and benefits are denied. A telephone hearing was held on March 23, 2011. The claimant participated. Robin Travis, HR Manager, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time packer on the second (B) shift from June 7, 2010 to January 19, 2011. The claimant knew it was employer policy that walking off the job was considered a voluntary quit.

On January 19, supervisor Hughes requested claimant put on his regular uniform pants for wear in the packaging department or he could go and put on a disposable frock. Claimant left the production floor, and left the plant facility without clocking out. He left about 7:00 p.m. and he was scheduled to work until 11:30 p.m. Although there was a shift manager and several crew leaders available to request permission to leave, he did not do so. He did advise supervisor Hughes he was leaving.

HR manager Travis called claimant the following morning about his leaving. She confirmed he did not clock out or call back in to state why he left. The employer terminated claimant as a voluntary quit for walking off the job.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment on January 19, 2011. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Peck v. EAB, 492 NW2d 438 (Ia App 1992).

The claimant disregarded a reasonable instruction from his supervisor to wear the appropriate uniform by walking off the job without notice and permission from any manager/supervisor/crew leader prior to the end of his work shift that is job abandonment.

DECISION:

The department decision dated February 16, 2011, reference 01, is modified. The claimant voluntarily quit without good cause due to job abandonment on January 19, 2011. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs