

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAHAIRA SANCHE-LABOY
Claimant

APPEAL NO. 08A-UI-09420-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

G & K SERVICES COMPANY
Employer

OC: 09/21/08 R: 02
Claimant: Appellant (1)

Iowa Code section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 15, 2008, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on October 30, 2008. Claimant participated. Human Resources Representative April Melroy represented the employer and presented additional testimony through Production Supervisor Aurelio Salgado. Spanish-English interpreter Ike Rocha assisted with the hearing.

ISSUE:

Whether the claimant's voluntary quit was for good cause it credible to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jahaira Sanche-Laboy was employed by G & K Services Company as a full-time preparation area employee from August 7, 2007 until September 4, 2008, when she voluntarily quit for personal reasons. The claimant quit the employment so that she could stay home with her children and open an in-home day care business. The claimant notified her supervisor by telephone on September 4, 2008 that she would be quitting for the above reasons. More than a month before the claimant's employment came to an end, the claimant and another employee were each reprimanded in connection with a verbal disagreement between the two. This remote event was not the basis for the claimant's quit and the claimant did not mention it at the time she notified her supervisor of the quit.

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.

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 greater weight of the evidence in the record indicates that Ms. Sanche-Laboy voluntarily quit for personal reasons and not for good cause attributable to the employer. Ms. Sanche-Laboy wanted to stay home with her children. The claimant wanted to start an in-home childcare business. Accordingly, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to the claimant.

DECISION:

The Agency representatives October 15, 2008, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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