

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDY STOCK**  
Claimant

**APPEAL NO. 11O-UI-02330-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON STAFFING CO LC**  
Employer

**OC: 09/12/10**  
**Claimant: Respondent (2)**

Iowa Code § 96.5-1 - Voluntary Quit  
Iowa Code § 96.3-7 - Overpayment

**STATEMENT OF THE CASE:**

Jacobson Staffing Company, LC (employer) appealed an unemployment insurance decision dated October 21, 2010, reference 02, which held that Randy Stock (claimant) was eligible for unemployment insurance benefits. Administrative Law Judge Debra Wise conducted an initial hearing on this matter in appeal 10A-UI-15021-DWT, in which benefits were allowed. The employer appealed the decision, indicating it did not participate due to lack of notice. The Employment Appeal Board remanded for a new hearing in an order dated February 25, 2011. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 24, 2011. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted and, therefore, did not participate. The employer participated through Elena Perricellia, administrative assistant. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired as a laborer on May 20, 2010 for a temp-to-hire position. He called the employer on June 28, 2010 and reported that he had to quit due personal reasons. His children were having behavioral problems and his wife was having a hard time handling them by herself.

The claimant filed a claim for unemployment insurance benefits effective September 12, 2010, but has not received benefits after the separation from employment.

## **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by calling the employer on June 28, 2010 and giving his resignation notice. He quit due to personal reasons.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

## **DECISION:**

The unemployment insurance decision dated October 21, 2010, reference 02, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. There is no overpayment as a result of this decision.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw