

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHAD M MASTIN**

Claimant

**APPEAL NO. 16A-UI-10996-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GRAVES FORESTRY INC**

Employer

**OC: 09/04/16**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Chad Mastin (claimant) appealed a representative's September 30, 2016, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Graves Forestry (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 26, 2016. The claimant participated personally. The employer participated by Luke Graves, Owner.

**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 April 1, 2015, as a full-time laborer. The claimant and the owner are first cousins. On September 6, 2016, the two were preparing a trailer. The claimant was not acting like himself and the employer thought he was under the influence of drugs.

The claimant came up to the owner behaving strangely and talking about getting his belongings. The owner did not know what the claimant was talking about. While the owner warmed up the truck the claimant hit his head on a trailer neck. The employer asked him if he was alright and the claimant said he was. The claimant was having the same problems as he had before hitting his head. The claimant had trouble telling the owner when to stop backing up the trailer. The owner asked the claimant questions but the claimant would not answer. The two began unhooking the trailer. The claimant ran the jacks all the way down and off the blocks. The employer had to tell the claimant to turn off the motor so it would not burn out. The owner told the claimant to go home and figure this out or go to his car and sleep off the drugs. The claimant went to his car. Five minutes later the claimant drove off. The claimant never returned. Continued work was available had the claimant not resigned.

**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. 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 September 30, 2016, decision (reference 02) is affirmed. 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.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs