

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALAN M DEHAVEN**  
Claimant

**APPEAL NO. 17A-UI-08188-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ELS OF FLORIDA INC**  
Employer

**OC: 07/09/17**  
**Claimant: Appellant (1)**

Section 96.5-1-j – Separation from Temporary Employer

**STATEMENT OF THE CASE:**

Alan DeHaven (claimant) appealed a representative's August 7, 2017, decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with ELS of Florida (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 31, 2017. The claimant participated personally. The employer participated by Jim Clyde, Branch Manager.

**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 employer is a temporary employment service. The claimant performed services off and on from December 8, 2014, through July 3, 2017.

The claimant was last assigned to work at Can Shed from August 22, 2016, to July 3, 2017, as a full-time general laborer. After work on July 3, 2017, the claimant went to the employer's office and said he needed a week off. The claimant mentioned stress and problems getting along with co-workers at Can Shed. He also said he would be looking for other work during his time off. On July 11, 2017, the claimant returned to the employer to collect his paycheck. He did not seek reassignment.

**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 section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 told the employer he was going to stop working and never returned to work again. 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 August 7, 2017, decision (reference 03) 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