

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GEROME C TRENT**

Claimant

**APPEAL NO. 17A-UI-03597-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVCIES INC**

Employer

**OC: 03/12/17**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Gerome Trent (claimant) appealed a representative's March 29, 2017, decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits due to his separation from work with Advance Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 26, 2017. The claimant participated personally and through his wife, Shineece Trent. The employer participated by Melissa Lewien, Risk Manager, and Kellene Wheeler, Office Assistant. The employer offered and Exhibit 1 was received into evidence.

**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 from October 6, 2014, through March 10, 2017. He signed a document on July 21, 2016, indicating he was to contact the employer within three days following the completion of an assignment to request placement in a new assignment. The claimant was given a copy of the document which was separate from the contract for hire.

The claimant was assigned to work for the client company, Lineage Logistics, as a full-time general laborer from March 8 to March 10, 2017. On March 14, 2017, the claimant did not appear for work or notify the employer and the client company. The employer called the claimant on March 14, 2017. The claimant said he was in Minneapolis, Minnesota, house hunting. The employer told the claimant he had to call the employer and the client company every day he was absent. The claimant said he forgot the numbers and that was why he did not call. He said he would be absent through Wednesday, March 15, 2017. The employer told him he had to call each day. On March 15 and 16, 2017, the claimant did not call the employer or the client company to report his absence. The employer left messages for the claimant but the claimant did not return the employer's calls. On March 17, 2017, the employer spoke with the claimant. He said he arrived home late and could not go to work. The claimant was moving to Minnesota that day or the next. The claimant stayed in Minnesota and did not return to Iowa until April 22, 2017.

## 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.

Iowa Admin. Code r. 871-24.25(2) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(2) The claimant moved to a different locality.

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 his words and actions. He told the employer he was leaving and quit work. When an employee quits work because he is living in another town, his leaving is without good cause attributable to the employer. The claimant left work because he relocated to a different city to look for a home. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

## DECISION:

The representative's March 29, 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