

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIA A WILLIAMS

Claimant

APPEAL NO. 13A-UI-13801-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SIGNATURE HEALTHCARE LLC

Employer

OC: 11/17/13

Claimant: Appellant (1R)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated December 12, 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on January 9, 2014. The claimant participated personally. The employer participated by Tina Inman, Recruiter. The record consists of the testimony of Julia Williams and the testimony of Tina Inman. Official notice is taken of agency records.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a staffing agency. All employees are considered "per diem" and are used on an "as needed" basis. The claimant accepted these assignments starting March 29, 2013. On September 18, 2013, the claimant asked that she be placed on an inactive status as she had a full-time job. The employer considered the claimant to be a voluntary quit. The claimant's last assignment with the employer was July 7, 2013.

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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 claimant is not eligible for unemployment insurance benefits. The claimant, in effect, quit her job by telling her employer that she no longer wanted to be called for assignments due to her full-time job. It appears, however, based on an examination of the claimant's wages, that she has requalified for benefits despite this quit by earning ten times her weekly unemployment benefit amount after her separation date. This matter is remanded to the Claims Section to determine if, in fact, that the claimant has requalified for benefits after this disqualifying separation.

DECISION:

The decision of the representative dated December 12, 2013, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. This matter is remanded to the Claims Section to determine if the claimant has requalified for benefits after this disqualifying separation.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css