

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JEFF R WADKOWSKI

Claimant

APPEAL NO. 18A-UI-04065-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALMBRIDGE EMPLOYEE SERVICE CORP

Employer

OC: 02/25/18

Claimant: Respondent (2)

Section 96.5-1 - Voluntary Quit

Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Almbridge Employee Service Corporation (employer) appealed a representative's March 23, 2018, decision (reference 02) that concluded Jeff Wadkowski (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 25, 2018. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Tamara Brandt, Human Resources Manager, and Ken Haugen, General Manager. Exhibit D-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 claimant worked from August 31, 2015, to January 6, 2018, as a part-time guest services representative. He signed for receipt of the employer's handbook on August 31, 2015.

While the claimant worked for the employer, a hotel, he also worked full-time for a casino that was attached to the hotel. While working for the casino, the claimant rarely had time to work for the employer. The claimant received paychecks from two different companies for his hours from the two different employers, even though the companies were related.

On February 5, 2018, the claimant's supervisor at the casino told him he had a choice of resigning or being terminated from his job at the casino. On February 5, 2018, the claimant submitted his resignation to the casino and the employer. The employer was unaware of what his supervisor told him at the casino. The letter of resignation indicated the claimant was quitting in the best interests of himself and his family. Continued work was available with the employer had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of February 25, 2018. He has not received any benefits since his separation from employment. The employer participated at the fact finding interview by documentation only

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 quitting and 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 March 23, 2018, decision (reference 02) is reversed. 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs