

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIAL J WOLFE
Claimant

APPEAL NO. 09A-UI-07934-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARDINAL GLASS INDUSTRIES INC
Employer

OC: 01/25/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 21, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 17, 2009. Employer participated by Laurie Ramsey, human resources manager. Claimant failed to respond to the hearing notice and did not participate. The record consists of the testimony of Laurie Ramsey.

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 witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked as an MTO bender operator for the employer. The employer manufactures insulating glass for window manufacturers, such Pella Windows. On March 25, 2009, the claimant telephoned Laurie Ramsey and informed her that he had found another job and would be quitting. Ms. Ramsey then processed the resignation, including paying out the claimant's accrued vacation pay.

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.

There is no evidence in this case that shows the claimant left for good cause attributable to the employer. The claimant did not participate in the hearing. The credible testimony from Ms. Ramsey is that the claimant telephoned her on March 25, 2009, to state he had found another job and was quitting. Ms. Ramsey then prepared the necessary paperwork and issued payment to the claimant for accrued vacation time. The claimant intended to sever the employment relationship and did so by stating he was quitting and taking another job. Benefits will not be awarded.

DECISION:

The decision of the representative dated May 21, 2009, 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.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs