

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEANNE E HINDMAN**  
Claimant

**APPEAL NO. 14A-UI-00778-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**  
Employer

**OC: 12/22/13**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge for Misconduct  
Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated January 15, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on February 13, 2014. The claimant participated personally. The employer failed to respond to the hearing notice and did not participate. Enclosed is a copy of the Clear2there hearing control sheet, which shows that the employer failed to call in. The record consists of the testimony of Jeanne Hindman.

**ISSUE:**

Whether the claimant was separated from her employment for any disqualifying reason.

**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 employer is a temporary placement business. The claimant accepted an assignment to work at a call center located in Waterloo, Iowa. The assignment started on October 15, 2013. The position was part time although full-time hours were available. The claimant was in training to handle customer orders from a large catalog. The client felt that the claimant was "frustrated" and told the employer that it was ending the claimant's assignment. Jackie Finley, the claimant's contact with the employer, told her "you're being cut. Do not report for work at 4:00 p.m." The claimant requested another assignment from the employer.

**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 eligible for unemployment insurance benefits. The evidence showed that the employer ended the claimant's assignment. She did not quit her job. She was told she was "being cut" and not to report for work. Only one reasonable inference can be made from these statements, which is that the claimant was discharged. The employer did not participate in the hearing and provided no evidence of misconduct. Benefits are therefore allowed if the claimant meets all other eligibility requirements.

**DECISION:**

The decision of the representative dated January 15, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs