

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CYNTHIA R BOYKINS
Claimant

BROCK SERVICES LLC
Employer

APPEAL 16A-UI-10201-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/28/16
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 16, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 4, 2016. Claimant participated. Employer did not participate.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in June 2015. Claimant last worked as a full-time foreman. Claimant was separated from employment on May 19, 2016, when she was laid off.

As a foreman, claimant worked at on-site projects. On May 5, 2016, claimant requested to take two weeks of vacation time. Claimant's request was approved by her general foreman, Murray. When claimant returned from vacation, the assignment had ended. Employer had no further work available for claimant.

REASONING AND CONCLUSIONS OF LAW:

In this case, claimant did not resign her employment. 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). Here, claimant requested vacation time and was approved. When claimant returned from vacation, no further work was available. This is not a disqualifying separation.

DECISION:

The September 16, 2016, (reference 01) unemployment insurance decision is reversed. The claimant was separated from employment for no disqualifying reason. Benefits are allowed, provided claimant meets all other eligibility requirements.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

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