

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHESTER MORGAN**  
Claimant

**APPEAL NO. 13A-UI-09680-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LINN'S SUPER VALUE**  
Employer

**OC: 06/09/13**  
**Claimant: Appellant (5)**

Iowa Code § 96.5(2)(a) - Discharge for Misconduct  
Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Chester Morgan (claimant) appealed an unemployment insurance decision dated August 21, 2013, reference 03, which held that he was not eligible for unemployment insurance benefits because he was discharged from Linn's Super Valu (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 8, 2013. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through owner Merlyn Linn.

**ISSUE:**

The issue is whether the claimant was discharged for work-related misconduct or whether he quit for good cause.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time butcher/meat cutter from July 15, 2011 through June 8, 2012. He gave a 30-day notice to quit because he was going to go to school. The employer found another butcher and the claimant became angry and never returned. The claimant talked about Waco and about people coming after him and after the store. Several co-employees and customers were afraid of him because of the comments he made.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by giving notice and then not returning to work. He quit to go to school and the law presumes it is a quit without good cause attributable to the employer when an employee leaves to go to school. 871 IAC 24.25(26).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

It should be noted that the claimant did quit a part-time job and could be eligible for benefits if he had sufficient wages from other employers in his base period. However, he has no other wages in his base period and is therefore not monetarily eligible. See 871 IAC 24.27.

**DECISION:**

The unemployment insurance decision dated August 21, 2013, reference 03, is modified with no effect. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs