

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY L BOBOTAYLOR
Claimant

APPEAL NO. 11A-UI-05866-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC
Employer

**OC: 04/03/11
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Mary Bobotaylor filed a timely appeal from the April 26, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on May 26, 2011. Ms. Bobotaylor did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Kris Kolbe, Senior Staffing Supervisor, represented the employer.

ISSUE:

Whether Ms. Bobotaylor separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mary Bobotaylor was employed by Kelly Services, Inc., on a full-time basis from October 28, 2010 until February 24, 2011, when she voluntarily quit. Ms. Bobotaylor has started a full-time, temp-to-hire work assignment on October 28, 2010. Ms. Bobotaylor was absent without notifying the employer on February 15, 16 and 17, 2011 before the employer concluded that she had voluntarily quit the employment. The employer did not hear further from Ms. Bobotaylor until March 14, 2011, when she contacted the employer to request a new assignment. At that time, Ms. Bobotaylor told the employer she had needed to leave town for her son.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

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 evidence in the record indicates that Ms. Bobotaylor voluntarily quit the employment without good cause attributable to the employer. Ms. Bobotaylor indicated the voluntary quit by ceasing to appear for work after February 14, 2011 and by failing to make any further contact with the employer until a month later. Ms. Bobotaylor left the employment for personal reasons related to her son. Ms. Bobotaylor failed to appear for the hearing and thereby failed to present any evidence to suggest that she left the employment for a reason that would allow her to be eligible for unemployment insurance benefits. Ms. Bobotaylor is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Bobotaylor.

DECISION:

The Agency representative's April 26, 2011, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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