

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELODY L BARRON
Claimant

APPEAL NO. 14A-UI-04797-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LAW OFFICE MITCHELL BLUHM
Employer

OC: 04/06/14
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Law Office Mitchell Bluhm (employer) appealed a representative's May 1, 2014, decision (reference 01) that concluded Melody Barron (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 28, 2014. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Jane Robertson, Hearings Representative; Shannon Travis, Human Resources Manager; Bryana Watson, Senior Training Manager; and Matthew Hogan, Director of Human Resources and Training. The employer offered and Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on February 10, 2014, as a full-time collector. The claimant signed for receipt of the employer's handbook on February 10, 2014. On March 27, 2014, the claimant provided the employer with a resignation letter. The claimant told the employer in the letter she was quitting work due to illness. The employer had no other information about the claimant's illness. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of April 6, 2014. She received no benefits after her separation from employment. The employer participated personally at the fact-finding interview on April 30, 2014, by Shannon Travis.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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 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). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. The claimant told the employer she was leaving and stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's May 1, 2014, decision (reference 01) is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css