

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANITA M RAMOS-NEVAREZ
Claimant

APPEAL NO. 14A-UI-01265-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 01/05/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated January 31, 2014, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on February 25, 2014, by telephone conference call. The claimant participated personally. Employer participated by Michael Payne, risk manager. The record consists of the testimony of Anita Ramos-Nevarez and the testimony of Michael Payne.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant accepted an assignment from the employer beginning on September 3, 2013. The job was corn sorting. The claimant worked until September 15, 2013. She then never returned to the assignment and never requested another assignment. The claimant quit her job because she does not speak Spanish and other workers did. She did not understand what they were saying.

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 not eligible for unemployment insurance benefits. The claimant severed the employment relationship by abandoning the job after September 15, 2013. The claimant admitted in her testimony that she did not return to work. Her reason was that other workers spoke Spanish and she did not and so she did not understand what was occurring at work. This is not good cause attributable to the employer. Since the claimant voluntarily quit without good cause attributable to the employer, benefits are denied.

DECISION:

The decision of the representative dated January 31, 2014, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs