

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TONYA M HEINEN**  
Claimant

**APPEAL NO: 08A-UI-07094-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IMAGE INC**  
**MOLLY MAID**  
Employer

**OC: 06/22/08 R: 02**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Image, Inc. / Molly Maid (employer) appealed a representative's August 1, 2008 decision (reference 03) that concluded Tonya M. Heinen (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 20, 2008. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing. Tammy Huinker appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on August 2, 2007. She worked full time as a trainee in the employer's residential cleaning business. Her last day of work was August 31, 2007.

The claimant had missed several days of training since beginning her employment; as a result of not being current with her training, on August 28 the employer took the claimant off the regular team with which she had been training and put her in as a floater, but she was still scheduled for work Monday through Friday, 8:15 a.m. until done. On September 4 she called in and indicated she would not be at work that day. Through a message delivered through her mother, who also worked for the employer, the claimant indicated that the work with the employer was too hard and that she was not going to return; her uniform was turned back in on or about September 7, 2007.

The claimant established a claim for unemployment insurance benefits effective June 22, 2008. However, the claimant has received no unemployment insurance benefits since the separation from employment.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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 from whom the employee has separated. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's August 1, 2008 decision (reference 03) is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. As of September 4, 2007, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs