

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMELIA J DONLAN**  
Claimant

**APPEAL NO. 09A-UI-15098-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RESCARE INC**  
Employer

**OC: 09/06/09**  
**Claimant: Appellant (1)**

Section 96.5-1-d – Voluntary Quit for Medical Reasons  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Amelia Donlan (claimant) appealed a representative's September 30, 2009 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Rescare (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 9, 2009. The claimant participated personally. The employer participated by Connie Dusek, Administrative Assistant.

**ISSUE:**

The issue is whether the claimant is denied unemployment insurance benefits because she voluntarily quit work without good cause attributable to the employer. In addition whether the claimant is able and available for work.

**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 January 8, 2009, as a part-time community support staff person. The claimant signed for receipt of the employer's handbook on January 8, 2009. The claimant knew at the time she was hired that she was required to maintain insurance on her vehicle.

On September 7, 2009, the employer discovered the claimant did not have insurance on her vehicle and had a conversation about this. The claimant said she could not afford it. The employer told the claimant she could not work without insurance and allowed the claimant up to thirty days to get the insurance. The claimant did not contact the employer again.

On September 24, 2009, the employer sent the claimant a letter stating that the claimant must contact the employer by October 8, 2009, or she would be considered to have quit. The letter was returned to the employer. The claimant did not return to work or contact the employer by October 8, 2009, the end of the claimant's thirty-day period. The employer assumed the claimant had quit work. Continued work was available had the claimant not resigned.

The claimant was able and available for other work at all times.

**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 stopped appearing for work or notifying the employer of her absence. 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.

The next issue is whether the claimant was able and available for work. For the following reasons the administrative law judge concludes she is.

871 IAC 24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

There was no evidence presented at the hearing that would support a finding that the claimant was not able and available for work.

**DECISION:**

The representative's September 30, 2009 decision (reference 01) is affirmed. 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. The claimant is able and available for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css