

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

GORDY B HARRISON
Claimant

APPEAL NO. 19A-UI-00478-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RANDSTAD US LLC
Employer

OC: 12/16/18
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Gordy Harrison (claimant) appealed a representative's January 14, 2019, decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Randstad US (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 1, 2019. The claimant participated personally. The employer participated by Markie Bacon, Market Manager.

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 employer is a temporary employment service. The claimant performed services off and on from November 15, 2017, through January 6, 2018. He was assigned to work at Capital Express starting on December 20, 2017, working the night shift. He punched time cards through January 6, 2018. After this he stopped appearing for work. Continued work was available had the claimant not resigned.

The claimant continued to enter hours remotely for payment of wages, without working, through October 13, 2018. The employer became aware that he stopped appearing for work on October 13, 2018.

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, regardless of the source of the individual's wage credits:

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. 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 on January 6, 2018. Benefits are denied.

The claimant's and the employer's testimony is not the same. The administrative law judge finds the employer's testimony to be more credible. The claimant testified he had a bad memory and his testimony was internally inconsistent.

DECISION:

The representative's January 14, 2019, decision (reference 04) 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs