

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BETZ, MARTIN, J**  
Claimant

**APPEAL NO. 13A-UI-04596-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PILOT TRAVEL CENTERS LLC**  
Employer

**OC: 10/14/12**  
**Claimant: Respondent (4)**

Iowa Code Section 96.5(1) – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit of Part-time Employment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the April 8, 2013, reference 02, decision that allowed benefits to the claimant, provided he was otherwise eligible and that held the employer's account could be charged for benefits. After due notice was issued, a hearing was held on May 22, 2013. Claimant Martin Betz did not respond to the hearing notice mailed to him on April 29, 2013 and did not participate in the hearing. Dean Habhab represented the employer and presented additional testimony through Heather Jenkins.

**ISSUES:**

Whether Mr. Betz separated from the employment for a reason that disqualifies him for unemployment insurance benefits.

Whether the employer's account may be relieved of liability for benefits paid to Mr. Betz.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Martin Betz was employed by Pilot Travel Centers, L.L.C. as a *part-time* maintenance worker for approximately three months until January 23, 2013, when he voluntarily quit. On that day, Mr. Betz disappeared during his shift. Shift Manager Heather Jenkins looked for Mr. Betz and observed that both Mr. Betz and his vehicle were gone. Mr. Betz had not given notice that he intended to quit. Mr. Betz did not attempt to return to work thereafter and made no further contact with the employer.

## 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.

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.

An individual who voluntarily quits *part-time* employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times his weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

The evidence in the record indicates that Mr. Betz voluntarily quit without notice to the employer and without good cause attributable to the employer when he disappeared from the workplace on January 23, 2013 and thereafter did not return to work or make further contact with the employer. Because the voluntary quit was without good cause attributable to the employer, the employer's account will not be charged for benefits paid to Mr. Betz. Because the voluntary quit was without good cause attributable to the employer, Mr. Betz is disqualified for unemployment insurance benefits *based on wages earned through the Pilot Travel Centers* employment until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. Pilot Travel Centers is not a base period employer for purposes of the claim year that started for Mr. Betz on October 14, 2012 and that will end on or about October 13, 2013. In other words, Pilot Travel Centers had no exposure to liability for benefits paid to Mr. Betz in connection with the current claim year. Thus, the limited disqualification that applies in connection with the voluntary quit from the *part-time* employment at Pilot Travel Centers would have no actual impact on Mr. Betz's eligibility for benefits in connection with the current claim year. Mr. Betz remains otherwise eligible for benefits based on base period wages credits from employment other than Pilot Travel Centers. Mr. Betz must meet all other eligibility requirements.

There is no need to remand the matter to the Claims Division for redetermination of eligibility for reduced benefits or for determination of whether there has been an overpayment of benefits.

**DECISION:**

The agency representatives April 8, 2013, reference 02, decision is modified as follows. The claimant voluntarily quit the *part-time* employment without good cause attributable to the employer on January 23, 2013. The employer's account will not be charged for benefits. The claimant is disqualified for unemployment insurance benefits *based on wages earned through the Pilot Travel Centers* employment until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant remains otherwise eligible for benefits based on base period wages credits from employment other than Pilot Travel Centers, provided he meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs