

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LARRY W BRODIGAN**  
Claimant

**APPEAL NO. 13A-UI-10887-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARM SERVICE CO**  
Employer

**OC: 08/11/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 25, 2013, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on October 21, 2013. Claimant participated. Employer participated through assistant manager Larae Jones and Gary Fellman.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time (37 to 39 hours per week) as a cashier and was separated from employment on August 9, 2013. On that date he was concerned about his commute and asked Jones to change his schedule so he could report an hour later at 9 a.m. a couple of days per week. Jones told him she could not do it because she had already changed his schedule four times. He became “worked up about it” because he had lost a shift on an earlier schedule change at his request, said, “That’s a bunch of BS,” and walked out of her office. He went to the store, counted his drawer, and left before the end of his shift without giving notice or receiving permission from Jones or another supervisor. Jones tried to call him several times and got no answer so she texted him about 11 a.m. and asked him why he left. He texted back that he had left because of “health reasons.” He was next scheduled to work on August 10, at 5 a.m. but did not report or call. Jones texted him and asked him to return the store key because he walked off the job and quit. He responded he would turn it in as soon as he could but said nothing about his absences on August 9 for a partial shift or August 10. She texted him again to let him know he could take the key to the Malvern, Iowa, location, which is closer to his home. The employer’s policy holds that walking off the job without notice is considered a voluntary quitting of employment. Continued work was available on August 10, but had claimant reported, he would have been disciplined with a written warning.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not discharged but voluntarily left the employment without good cause attributable to employer.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Code § 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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998). Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. *LaGrange v. Iowa Dep't of Job Serv.*, (No. 4-209/83-1081, Iowa Ct. App. filed June 26, 1984). Since claimant left the scheduled shift early without notice or permission and did not follow up with management personnel, and his assumption of having been fired was erroneous, the leaving early without notice or permission and failure to continue reporting to work was an abandonment of the job. Benefits are denied.

**DECISION:**

The September 25, 2013, (reference 01) decision is affirmed. Claimant voluntarily left the employment without good cause attributable to employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs

**NOTE TO EMPLOYER:**

If you wish to change the name of record from Danene Hildebrand to Farm Service Co, please access your account at: <https://www.myiowaui.org/UITIPTaxWeb/>.

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v=mpCM8FGQoY>