

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MALCOLM E HAYWOOD**  
Claimant

**APPEAL NO. 16A-UI-13660-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 10/30/16**  
**Claimant: Respondent (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Express Services (employer) appealed a representative's December 16, 2016, decision (reference 03) that concluded Malcolm Haywood (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 18, 2017. The claimant participated personally. The employer participated by Sonya Kockler, Staffing Consultant.

**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 from July 5, 2016, through October 25, 2016. He signed a document on July 1, 2016, indicating he was to contact the employer within three days following the completion of an assignment to request placement in a new assignment. The claimant was given an unsigned copy of the document.

On August 8, 2016, he was assigned to work at Winnebago Industries. On October 14, 2016, the claimant did not appear for work or notify the employer of his absence. The employer called the claimant and notified him that further infractions would result in termination from employment. On October 26, 2016, the claimant did not appear for work or notify the employer of his absence. Winnebago Industries notified the employer that the claimant's assignment had ended. There is no record the claimant had contact with the employer after October 25, 2016.

The claimant filed for unemployment insurance benefits with an effective date of October 30, 2016. He received no benefits after the separation from employment. The employer did not participate in the fact finding interview on December 14, 2016.

**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 § 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. 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.

**DECISION:**

The representative's December 16, 2016, decision (reference 03) is reversed. 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.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs