

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JULIE A HAGER
900 – 9TH ST APT 1
FULTON IL 61252**

**QUAD CITY JANITORIAL SERVICE INC
325 – 17TH ST
PO BOX 422
BETTENDORF IA 52722-0422**

**Appeal Number: 05A-UI-11261-S2T
OC: 09/18/05 R: 04
Claimant: Respondent (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Quad City Janitorial Service (employer) appealed a representative's October 21, 2005 decision (reference 05) that concluded Julie Hager (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 17, 2005. The claimant did not provide a telephone number where she could be reached and, therefore, did not participate. The employer participated by Pam Cant, Office Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on August 12, 2004, as a part-time

cleaner. The owner was providing transportation to the claimant. On August 9, 2004, the owner went to the claimant's residence to pick her up, but the claimant was not there. The claimant did not appear for work or notify the employer properly that she would not be at work. Later the claimant told the employer she could not work because her son had a court date.

On August 21 and 23, 2005, the employer stopped by the claimant's residence to give her a ride, but the claimant was not in. The employer left the claimant many telephone messages. One message from the employer on August 23, 2005, told the claimant she needed to contact the employer by the end of the day or the employer would consider her to have quit. The employer did not hear from the claimant. The employer did not stop by the claimant's residence on August 24, 2005, and the claimant did not report for work. The employer reached the claimant by calling an emergency number. The employer told the claimant her employment had ended. Continued work was available to the claimant had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit without good cause attributable to the employer. For the following reasons the administrative law judge concludes she was.

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 her actions. She 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 October 21, 2005 decision (reference 05) is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are denied.

bas/kjw