

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EVELYN G PAYE**

Claimant

**APPEAL NO. 13A-UI-05205-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST LIBERTY FOODS**

Employer

**OC: 03/31/13**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Evelyn Paye (claimant) appealed a representative's April 26, 2013 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was discharged from work with West Liberty Foods (employer) for excessive unexcused absenteeism. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 5, 2013. This case was heard by Administrative Law Judge Julie Elder. Before a decision could be issued Judge Elder went on an indefinite leave of absence. The case was re-assigned to Administrative Law Judge Scheetz per direction from lead worker Administrative Law Judge Teresa Hillary. Judge Scheetz is hereby issuing a decision based upon the recording of the hearing and the exhibits admitted into the record. The claimant participated personally through the aid of Konnah Dassan, Interpreter. The employer participated by Lindy Helm, Human Resources Specialist, and Nikki Bruno, Human Resources Supervisor.

**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 claimant was hired on January 31, 2012, as a full-time boxed meat general production person. The claimant suffered a work-related injury on November 2, 2012. She was released to return to work without restrictions after the injury. The claimant did not report any other medical issues to the employer after she was released to return to work. The employer did not issue the claimant any warnings even though the claimant had quite a few absences.

On November 19, 2012, the claimant properly reported her absence due to illness. The claimant's personal doctor told the claimant she should not work. On November 20 and 21, 2012, the claimant did not appear for work or notify the employer of her absences. On November 22 and 23, 2012, the claimant was not scheduled for work because it was the Thanksgiving holiday. On November 26, 2012, the claimant did not appear for work or notify the

employer of her absence. The employer did not see or hear from the claimant again until the end of February 2013. At that time the claimant asked if she still had a job. The employer considered the claimant to have quit work in November 2012.

**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:

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 and reporting her absences. 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 April 26, 2013 decision (reference 01) 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.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css