

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THEODORE C SUTTON
Claimant

APPEAL NO. 17A-UI-07424-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROCKWELL COLLINS INC
Employer

OC: 06/18/17
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Theodore Sutton (claimant) appealed a representative's July 13, 2017, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Rockwell Collins (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 8, 2017. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

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 in 2010, as a full-time senior systems engineer. He was diagnosed with stress and anxiety issues and his doctor restricted him to working thirty-two hours per week beginning June 12, 2017. The claimant was granted Family Medical Leave Act leave. His job responsibilities and daily work changed during his medical leave because he could not perform the hours needed of a senior systems engineer.

On June 8, 2017, the claimant gave notice of his resignation effective June 30, 2017. The claimant quit work because he wanted to work full-time, even though his doctor would not allow him to do so. On June 15, 2017, the claimant was absent from work. The employer cleaned out his desk and told him he should not return to work. The employer paid the claimant through June 30, 2017. The claimant's doctor has not released the claimant to work more than thirty-two hours per week.

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, regardless of the source of the individual's wage credits:

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 words and actions. The claimant told the employer he was quitting and 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 July 13, 2017, 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs