

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES C JONES
Claimant

APPEAL NO. 13A-UI-12082-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

OC: 08/04/13
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated October 17, 2013, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on November 20, 2013. The claimant participated personally. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of James Jones.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked for the employer for approximately two years. His last assignment was at a metal manufacturing plant. His last day of work was September 12, 2013. On his way to work that day, he stopped by law enforcement because he was driving on a suspended license due to non-payment of a traffic ticket. The claimant walked to the employer's place of business and informed Lacey, his supervisor, on what happened. He was informed by Lacey that he was terminated. He asked for another assignment but that request was refused by the employer. The claimant did not voluntarily quit his job but was terminated.

REASONING AND CONCLUSIONS OF LAW:

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 quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The claimant is eligible for unemployment insurance benefits. The representative set this decision up as a voluntary quit by failing to report to work for three days in a row. The claimant testified that he did not quit and he did not fail to report to work for three days in a row. Rather he was terminated when he informed his supervisor that he has lost his driving privileges. There was no evidence that the claimant had to have a license and he was in the process of making arrangements to get a ride to work. Since the claimant did not quit his job and there is no evidence of misconduct, benefits are allowed if the claimant is otherwise eligible.

DECISION:

The decision of the representative dated October 17, 2013, reference 02, is reversed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css