

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICK L CARMICHAEL
Claimant

APPEAL NO. 13A-UI-12873-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LINDA STARR
ROSE ACRE FARMS
Employer

OC: 10/27/13
Claimant: Respondent (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Rose Acre Farms (employer) appealed a representative's November 15, 2013, decision (reference 01) that concluded Rick Carmichael (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 scheduled for December 10, 2013. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Tami Ryerson, Human Resources Manager.

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 August 30, 2011, as a full-time general laborer. The claimant worked through February 20, 2013. The claimant did not appear for work or notify the employer of his absences after February 20, 2013. The employer gave the claimant leave paperwork at his request but the claimant did not return the paperwork. The employer assumed the claimant had quit work. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of October 27, 2013. He received no benefits after his separation from employment. The employer does not remember if it participated at the fact-finding interview on November 14, 2013.

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, did not report his absences, and did not provide leave paperwork. 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 November 15, 2013, decision (reference 01) 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs