

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES H LINDSEY
Claimant

APPEAL NO. 07A-UI-06059-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DOBBS TEMPORARY SERVICES INC
PRO STAFF – DES MOINES**
Employer

**OC: 05/06/07 R: 02
Claimant: Respondent (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Dobbs Temporary Services (employer) appealed a representative's June 4, 2007 decision (reference 04) that concluded Charles Lindsey (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 3, 2007. The claimant participated personally. The employer participated by Sandy Dohlby, Talent Manager. The employer offered one exhibit which was marked for identification as Exhibit One. Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

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 October 2, 2006, as a full-time temporary light industrial worker assigned to Ryko. The claimant signed a document on September 28, 2006, indicating he would seek reassignment within three working days of the completion of his last assignment. On December 18, 2006, the claimant did not appear for work or notify the employer or Ryko of his absence from work. The employer left a message for the claimant. Later the claimant returned the call. He stated he was leaving for Arkansas to care for his father and did not know when he would return. The employer did not hear from the claimant again until December 26, 2007.

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.

871 IAC 24.25(23) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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 his actions. He told the employer that he was leaving to go to Arkansas. When an employee leaves work because of serious family needs, his leaving is without good cause attributable to the employer. The claimant left work because of his father. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's June 4, 2007 decision (reference 04) is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant is overpaid benefits in the amount of \$1,512.00.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css