

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK GEIGER
Claimant

APPEAL NO. 17A-UI-08157-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LEDERMAN BONDING COMPANY
Employer

OC: 07/16/17
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Mark Geiger (claimant) appealed a representative's August 8, 2017, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Lederman Bonding Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 29, 2017. The claimant participated personally. The employer was represented by Kevin Ahrenholz, Attorney at Law, participated by David Lederman, Part Owner, and Jill DeVries, Manager. Exhibit D-1 was received into evidence. The employer offered and Exhibit 1 was received into evidence.

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 April 11, 2001, as a full-time bonding agent, after the employer purchased the claimant's family company. In early July 2017, the claimant was in the hospital.

On July 13, 2017, the employer was preparing the company payroll and noticed the claimant would be receiving less money because he had been in the hospital. The claimant had some medical, personal, and financial issues. At about 2:00 p.m. on July 13, 2017, the two met in the claimant's office and the employer expressed his intent to give the claimant extra compensation. The claimant told the employer about how he appreciated it but he did not like handouts. The claimant complained about the company phone, agents, and feeling like the employer was pushing him out of a job. The claimant became agitated and stood up. The employer had seen the claimant upset before. The employer told the claimant he was not pushing him out but if he wanted to part ways they could make different arrangements. The claimant responded that he could not believe the employer would say this after fifteen years. He walked out and did not return.

At 3:03 p.m. on July 13, 2017, the claimant sent a text to the employer saying he was applying for unemployment insurance benefits. The employer responded that they should sit down and talk. The claimant sent the employer vulgar and inappropriate texts. The employer responded

that they should talk and he should come to work the following day. The claimant continued to text vulgarity. The employer had seen the claimant act similarly and hoped he would calm down by the next day.

On July 14, 2017, the claimant walked up to the employer and sat next to him in the courtroom. He handed the employer the employer's phone and said, "I'm done." The employer asked the claimant if they could just talk. The claimant said he did not want to talk to the employer and left. The claimant went to his office and began cleaning it out. The employer called him and they talked until the claimant hung up on him. At that point, the employer considered the claimant to have quit work. Continued work was available had the claimant not quit.

After July 14, 2017, the claimant was affected by his medical issues and was not able to get out of bed. On August 7, 2017, the date of the fact finding interview, he was still bedridden. The claimant has not been released to return to work since his period of confinement.

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 actions. The claimant walked out, handed in his phone, cleaned out his office 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 August 8, 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