

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN J KESSLER**  
Claimant

**APPEAL NO. 09A-UI-19575-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**M & W MANUFACTURING CO INC**  
Employer

**OC: 11/29/09  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated December 24, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 9, 2010. Claimant participated. Employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of John Kessler.

**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 employer manufactures hydraulic manifolds. The claimant was hired on January 26, 2009, as a de-burrer. He was a full-time employee. On May 6, 2009, the claimant resigned his position. He informed his employer that he needed to spend more time with his wife due to medical issues. The employer accepted the claimant's resignation. There was work available for the claimant at the time of his resignation.

**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 evidence is uncontroverted that the claimant resigned his position for personal reasons unrelated to his employment. The claimant initiated the separation of employment and intended to resign his position. The claimant's personal reasons do not constitute good cause attributable to the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated December 24, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs