

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN E HOLMQUIST**  
Claimant

**APPEAL NO. 14A-UI-03661-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACME LAWN & LANDSCAPE LLC**  
Employer

**OC: 03/09/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated March 27, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on April 25, 2014, by telephone conference call. The claimant did not participate in the hearing. Joseph Holmquist served as his representative. The employer participated by Larry Wise, owner. Employer's Exhibits One and Two were received into evidence.

**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 provided lawn care and snow removal services. The claimant was hired on March 17, 2009. He was a part time maintenance worker who would fill in where needed. His last day of work was February 17, 2014. He quit his job on that date for unknown reasons. He had been instructed by the employer to pick up other employees for a snow removal job. The claimant did not do that. He made contact with another employee, Keith, and handed him the keys. He signed a written acknowledgement of his resignation. (Exhibit 2)

**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 not eligible for unemployment insurance benefits. The evidence showed that it was the claimant who initiated the separation of employment. On February 17, 2014, he refused to pick up other employees and told one employee that he was quitting. He turned in his keys. The claimant did not testify at the hearing and therefore his reasons for quitting are unknown. The testimony from his representative gave little in the way of facts on why the claimant quit his job. The most reasonable inference from the evidence is that the claimant voluntarily quit his job and did so without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated March 27, 2014, 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 benefits 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