

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACEY R WHITFIELD
Claimant

APPEAL NO. 08A-UI-11250-S2T

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

WEST LIBERTY FOODS
Employer

**OC: 04/27/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Stacey Whitfield (claimant) appealed a representative's November 25, 2008 decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits based on her employment with West Liberty Foods (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 15, 2008. The claimant participated personally. The employer participated by Sandra Van Patten, Superintendent. The claimant offered and Exhibit A was received into evidence. The employer offered and 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 having considered all of the evidence in the record, finds that: The claimant was hired on October 13, 2008, as a full-time production worker. On October 21, 2008, the employer held a meeting telling employees they would be laid off on October 24, 2008. The claimant was disturbed by the announcement, turned in her belongings, and left work. Continued work was available had the claimant not resigned.

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 turned in her items and left 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 November 25, 2008 decision (reference 04) 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/kjw