

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIE D MUMFORD
Claimant

APPEAL NO. 13A-UI-07976-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

OC: 06/09/13
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Willie Mumford filed a timely appeal from the July 5, 2013, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on August 13, 2013. Mr. Mumford did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Maria Mays represented the employer and presented additional testimony through Anna Weber.

ISSUE:

Whether Mr. Mumford separated from the employment for a reason that disqualifies him for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a temporary employment firm. The employer placed Mr. Mumford in an assignment at Crystal Distribution. Mr. Mumford ceased appearing for the assignment on March 28, 2013. Mr. Mumford did not complete the assignment. While the assignment occasionally provided full-time hours, it was by-and-large a part-time assignment. During some weeks the client business had no hours for Mr. Mumford. During other weeks, the client business had 20 hours or less for Mr. Mumford. The employer and the client business continued to have work for Mr. Mumford in the assignment at the time he ceased appearing for the assignment. The employer did not learn from the client business that Mr. Mumford had not been appearing for the assignment until April 29. Mr. Mumford waited until July 8, 2013 to make further contact with the employer.

This employer was Mr. Mumford's sole base period employer.

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.

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 in the record indicates that Mr. Mumford voluntarily quit the part-time work assignment, and the employment, effective March 28, 2013, after which he ceased appearing for work. The voluntary voluntarily quit the employment without good cause attributable to the employer. Accordingly, Mr. Mum is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The agency representatives July 5, 2013, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer effective March 28, 2013. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css