

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL D RAY
Claimant

APPEAL NO. 09A-UI-08444-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEI EQUIPMENT COMPANY INC
Employer

OC: 05/03/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 12, 2009, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 30, 2009. Employer participated by Karen Gaddis, Chief Financial Officer. Although the claimant did provide a telephone number at which he could be reached, he did not answer three separate calls that were placed to that number. A message came on indicating the claimant was not available or was out of the service area. The claimant did not, therefore, participate in the hearing. The record consists of the testimony of Karen Gaddis.

ISSUE:

Whether the claimant voluntarily quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant was hired as a full time production welder on September 15, 2008. He left his shift early on January 12, 2009 without permission. He returned to pick up his paycheck on January 16, 2009, and informed the employer that he quit.

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 in this case showed that the claimant intended to sever his employment relationship with the employer by walking off the job on January 12, 2009, and not returning until January 16, 2009, to pick up his check. At that time he told the employer he quit. The claimant did not want to remain in an employment relationship with the employer. Benefits are denied.

DECISION:

The decision of the representative dated June 12, 2009, reference 02, 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.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

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