

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KWAND A WOODS

Claimant

APPEAL NO. 12A-UI-13358-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 08/12/12

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kwand Woods filed a timely appeal from the November 5, 2012, reference 04, decision that denied benefits. After due notice was issued, a hearing was held on December 5, 2012. Mr. Woods participated. Michael Payne represented the employer.

ISSUE:

Whether Mr. Woods 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: Advance Services is a staffing agency. Kwand Woods performed work for the employer a single, full-time, temporary work assignment at Mycogen Seeds in Marshalltown. Mr. Woods started the assignment on August 28, 2012. Mr. Woods' immediate supervisor in the assignment was Diane Apreciado. Bre Van Sickle followed the assignment for Advances Services. Mr. Woods last performed work in the assignment on October 3, 2012. On that day, Mr. Woods left work early to meet with a probation officer. Mr. Woods was absent on October 4, 2012. Mr. Woods did not return to the assignment. The employer continued to have work available to Mr. Woods in the assignment. Mr. Woods had not notified Advance Services of his need to leave early on October 3, 2012 or his need to be absent on October 4, 2012. The employer's work rules required that Mr. Woods notify both the client company, Mycogen Seeds, and the employer, Advance Services, if he needed to be absent from the employment. Mr. Woods did not make further contact with Advance Services after he left work early on October 3, 2012.

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 weight of the evidence in the record establishes that Mr. Woods voluntarily quit the employment effective October 3, 2012 by failing to report for further work and failing to make further contact with Advance Services. The employer continued to have work available. The voluntary quit was for personal reasons and not for good cause attributable to the employer. Mr. Woods 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 paid to Mr. Woods.

DECISION:

The Agency representative's November 5, 2012, reference 04, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. Effective October 3, 2012, 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