

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WENDY R ROBINSON**  
Claimant

**APPEAL NO. 13A-UI-13845-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 11/10/13**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed an appeal from a representative's decision dated December 9, 2013, reference 02, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a telephone hearing was held on January 13, 2014. The claimant failed to respond to the hearing notice and did not participate in the hearing. A copy of the Clear 2there hearing control sheet is enclosed with the file, which shows that the claimant did not call in. The employer participated by Maria Mays, Risk Administrative Assistant, and James Cole, Site Manager.

**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 is a temporary staffing firm. The claimant began accepting assignments from the employer on August 19, 2011. The claimant's last assignment was at Rock Tenn. The assignment started on September 14, 2013, and ended on October 4, 2013. The claimant stopped coming to work after October 4, 2013. She did not report her absence to the employer. On October 11, 2013, she picked up her paycheck and said that she was having issues with migraine headaches. She said she would be interested in first shift work. She first time she specifically asked for an assignment was November 13, 2013.

**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 the claimant severed the employment relationship by abandoning her job. She last showed up for work on October 4, 2013. She did not call the employer to explain why she stopped coming to work. She picked up a paycheck and said that she would be interested in first shift work. She offered no explanation why she quit her previous assignment. The claimant voluntarily quit her job without good cause attributable to the employer. Benefits are denied.

The hearing notice also listed overpayment of benefits as an issue. The claimant is not receiving benefits due to a disqualification with another employer. The overpayment of benefits issue is therefore moot.

**DECISION:**

The decision of the representative dated December 9, 2013, reference 02, is reversed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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