

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

GREGORY DOUDY  
6465 THERESA DR  
JOHNSTON IA 50131

MIDWEST JANITORIAL SERVICE INC  
1395 NORTH CENTER POINT RD  
HIAWATHA IA 52233-2101

Appeal Number: 06A-UI-00390-BT  
OC: 12/11/05 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Gregory Doudy (claimant) appealed an unemployment insurance decision dated January 10, 2006, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Midwest Janitorial Service, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 30, 2006. The claimant participated in the hearing with his wife, Shawanda Doudy. The employer participated through Kevin Peterson, District Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time floor cleaner from March 28, 2005 through November 13, 2005, which was his last day of work. He stopped working after that due to his wife's illness. The claimant contends he called his supervisor once he was ready to return to work and his supervisor told him that Kevin, the district manager, had "pretty much fired him". The supervisors do not have the authority to discharge anyone and he had only been taken off a specific account because he had not been working. The claimant never contacted the district manager to ask any questions or to find out if it was true. The employer had work available for the claimant but he did not call in for additional assignments.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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 from whom the employee has separated. 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 demonstrated his intent to quit and acted to carry it out by failing to return to work or call in for additional assignments.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He contends he was discharged from employment but admitted he never talked to the district manager, even when that was the person who supposedly fired him. Where an individual mistakenly believes that he is discharged and discontinues coming to work (but was never told he was discharged), the separation is a voluntary quit without cause attributable to the employer. LaGrange v. Iowa Department of Job Service, (Unpublished Iowa Appeals 1984). The claimant's supervisor did not directly fire the claimant but only reported that the district manager "pretty much fired him." A reasonable person hearing that same information would more than likely contact the district manager to request additional information. The claimant chose not to do this which further demonstrates his intent to quit. Benefits are denied.

DECISION:

The unemployment insurance decision dated January 10, 2006, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

sdb/kjf