

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAURA L BALANCE**  
Claimant

**APPEAL NO. 14A-UI-00233-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 12/01/13  
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the December 31, 2013, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible, and that held the employer's account could be charged. The decision was based on an agency conclusion that the claimant had separated from the employer on December 4, 2013 for good cause attributable to the employer. After due notice was issued, a hearing was held on February 18, 2014. Claimant Laura Balance did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Colleen McGuinty represented the employer and presented additional testimony through Chad Cole. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to the claimant, which record indicates that no benefits have been disbursed to the claimant in connection with the original claim that was effective December 1, 2013.

**ISSUE:**

Whether Ms. Balance separated from the employer for a reason that disqualifies her for unemployment insurance benefits or that relieves the employer of liability for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Sedona Staffing is a temporary employment agency. On June 9, 2013, Laura Balance started a full-time temporary work assignment at RockTenn in Iowa City. Ms. Balance last performed work in the assignment on June 12, 2013. After that, Ms. Balance ceased appearing for work. Ms. Balance did not complete the assignment. The employer and the client business continued to have work for Ms. Balance at the time Ms. Balance ceased appearing for work.

**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 the separation from the employment took place on June 12, 2013, not in December 2013. The evidence further establishes that Ms. Balance voluntarily quit the employment for personal reasons and without good cause attributable to the employer. Accordingly, effective June 12, 2013, Ms. Balance is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits.

Because no benefits have been disbursed in connection with the claim that was effective December 1, 2013, there is no overpayment of benefits to address.

**DECISION:**

The Claims Deputy's December 31, 2013, reference 02, decision is reversed. The claimant voluntarily quit the employment without good cause attributable to the employer. The effective quit date was June 12, 2013, not December 4, 2013. Effective June 12, 2013, the claimant is disqualified for benefits until she has worked in a been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs