

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH NELSON

Claimant

APPEAL NO: 13A-UI-07472-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LOWEN CORPORATION

Employer

OC: 05/12/13

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Elizabeth Nelson (claimant) appealed an unemployment insurance decision dated June 18, 2013, reference 04, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Lowen Corporation (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 July 30, 2013. The claimant participated in the hearing. The employer participated through Shanyyn Kramersmeier.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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 printer from May 1, 2013 through May 2, 2013. At the end of her first day, she told her supervisor she was not comfortable running the printer and wanted to work production only. After the morning meeting on the second day, the production manager asked the claimant if she had said that and she admitted she had. The production manager told her they did not have any production jobs available at that time and the claimant said to keep her in mind when they did.

REASONING AND CONCLUSIONS OF LAW:

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

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by telling the employer she was not comfortable running the printer and wanted to work production only.

The claimant contends she was effectively fired because the production manager said she did not meet the qualifications of the job but there are no qualifications required since employees are trained after they are hired. The employer does not expect employees to learn their job duties in one day and had the claimant indicated her willingness to learn the printer job duties as she claims she did, she would still be working for this employer.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated June 18, 2013, reference 04, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs