

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ISAIAH JONES
Claimant

APPEAL NO. 10A-UI-08371-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 04/25/10
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Isaiah Jones (claimant) appealed an unemployment insurance decision dated May 27, 2010, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Casey's Marketing Company (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 August 2, 2010. The claimant participated in the hearing. The employer participated through Sarah Moorman, Store Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him 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 cashier/cook from December 21, 2009 through April 10, 2010, when he walked off the job. He never attempted to call the store manager on the night he left, but instead used profanity toward the employer as he was leaving. The claimant was scheduled to work the four next consecutive days but failed to call or report to work. He now contends he had to leave because his son was hurt and at the hospital, but this was the first time the employer heard that explanation.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he 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 his intent to quit and acted to carry it out by walking off the job on April 10, 2010. He failed to call or report to work for his next four consecutive shifts. The two cashiers on duty reported that the claimant said he was sick and tired of things and he used profanity as he walked off the job. While the claimant denies using profanity, the employer received a customer complaint that same day about the claimant's use of profanity.

The claimant now testifies that he had to leave work because his son was hurt, but the employer never heard that before today. However, he admitted he never called the store manager to talk to her about it. 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 has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated May 27, 2010, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw