

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANITA R THOMAS**  
Claimant

**APPEAL NO: 08A-UI-08231-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 08/03/08 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Shanita R. Thomas (claimant) appealed a representative's September 10, 2008 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from L A Leasing, Inc. / Sedona Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 30, 2008. The claimant received the hearing notice and responded by calling the Appeals Section on September 24, 2008. She indicated that she would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, the claimant was not available; therefore, she did not participate in the hearing. Sarah Schneck appeared on the employer's behalf and presented testimony from one witness, Anna Nielson. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant began taking assignments with the employer on December 17, 2007. Her final assignment began on January 28, 2008. Her last day on the assignment was March 11, 2008. The assignment ended because the claimant ceased reporting for work.

The claimant's final assignment was working part time as needed for the employer's business client who was providing food service at a Waterloo, Iowa business. She would typically work about four hours per day, at least two or three days per week, and frequently five days per week. She was provided with a base schedule each Friday for the following week.

On March 7 the claimant would have been informed that the following week she was to work Monday through Friday. She did work on Monday, March 10 and Tuesday, March 11, but was a

no-call, no-show for work thereafter, with no contact being made by the claimant to the employer until June 2008.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for 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 and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The intent to quit can be inferred in certain circumstances. For example, failing to report and perform duties as assigned is considered to be a voluntary quit. 871 IAC 24.25(27). The claimant exhibited the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's September 10, 2008 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of March 12, 2008, benefits are withheld until such time as 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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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs