

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARL J LORD
Claimant

APPEAL NO: 14A-UI-09178-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINEGARD COMPANY
Employer

OC: 08/03/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Carl J. Lord (claimant) appealed a representative's August 26, 2014 (reference 02) decision that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Winegard Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 24, 2014. The claimant participated in the hearing. Kerry Hale appeared on the employer's behalf. 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:

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

FINDINGS OF FACT:

After a prior period of employment working with the employer through a temporary employment firm, the claimant started working directly for the employer on February 17, 2014. He worked full time as a production operator on the second shift in the employer's satellite and antenna manufacturing business. His last day of work was August 1, 2014.

The claimant had been receiving harassing messages from a coworker while off duty. On July 27 the claimant's car was vandalized when it was at his home. He stayed off work on July 28, July 29, and July 31 to deal with the damage and making a police report. On August 1 he had a meeting with the employer in which the employer suggested a rotating work location for the claimant so that he would not have to work at the same location as this coworker.

The claimant was then absent again on August 4, August 5, and August 6. He did inform the employer on August 6 that he wanted to have more time to deal with the harassment by the coworker, but he did not specify how much time he wanted. The employer did not agree that he could have more time. The claimant did not return to work after August 6 and did not make any further contact with the employer. On August 13 he received a letter from the employer advising him that it considered his job ended by job abandonment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he 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. Rule 871 IAC 24.25(27). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he 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 him. Iowa Code § 96.6-2. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's August 26, 2014 (reference 02) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of August 7, 2014 benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can