

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES L WHITE
Claimant

APPEAL NO. 09A-UI-10584-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CARGILL MEAT SOLUTIONS
CORPORATION**
Employer

**OC: 06/21/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 20, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 10, 2009. Employer participated by Rachel Watkinson, Human Resources Associate. Although the claimant provided a telephone number prior to the hearing, he was not available at that number. The administrative law judge was given another number. The claimant was not available at that number either. A message was left for the claimant along with a telephone number he should call. He did not call during the hearing. The record consists of the testimony of Rachel Watkinson.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness, makes the following findings of fact:

The claimant was employed as a full time non-temporary production worker. He had worked for the employer since January 31, 2008. On May 1, 2009, the claimant came back to work but clocked out after only working for 2 hours and 21 minutes. He never came back to work and he never called to the employer. He was considered by the employer to have abandoned his job.

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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 showed that the claimant intended to sever the employment relationship and did so by leaving his shift early on May 1, 2009, and never returning to work. The claimant never offered any explanation for his actions. The claimant abandoned his job, evincing his desire to discontinue the employment relationship. Benefits are denied.

DECISION:

The decision of the representative dated July 20, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css