

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN L EFFLE

Claimant

APPEAL NO. 07A-UI-00875-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASSOCIATED MECHANICAL INC

Employer

**OC: 12/17/06 R: 01
Claimant: Appellant (5)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Kevin Effle (claimant) appealed a representative's January 17, 2007 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he was discharged from work with Associated Mechanical (employer) for excessive unexcused absenteeism after having been warned. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 8, 2007. The claimant participated personally. The employer participated by Lyn Paine, Accounts Payable Manager.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on November 13, 2006, as a full-time boiler maker journeyman. The claimant did not appear for work or notify the employer of his absence on December 4, 2006. When the foreman reached the claimant, the claimant stated he had car trouble. The claimant did not appear for work or notify the employer of his absence on December 5, 2006. When the foreman reached the claimant the claimant stated he had personal problems. On December 6, 2006, the claimant was tardy for work because he had personal problems. On December 7, 2006, the claimant was tardy for work because he overslept. The claimant did not appear for work after December 8, 2006. He thought the job was complete even though he did not collect his paycheck or paperwork indicating the job was complete. The claimant did not wish to work for the employer any longer. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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 voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his actions. He stopped appearing for work. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's January 17, 2006 decision (reference 02) is modified with no effect. 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw