

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAVIER, ANGELA, E
Claimant

APPEAL NO. 11A-UI-00358-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

UPTOWN STAFFING INC
Employer

**OC: 11/28/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 6, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on February 15, 2011. The claimant failed to provide a telephone number in response to the hearing notice instructions and did not participate in the hearing. Jim Bichel, Business Manager, represented the employer.

ISSUE:

Whether the claimant separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Angela Javier was employed by Uptown Staffing, Inc., from March 2010 until November 19, 2010, when she voluntarily quit her full-time, temp-to-hire work assignment. Prior to her last day, Ms. Javier notified the supervisor at the client business that November 19, 2010 would be her last day because her daughter needed her at home. The client business and uptown staffing continued to have work for the claimant in the assignment.

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.

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 claimant failed to participate in the hearing and thereby failed to present any evidence whatsoever to support the allegation in her appeal letter that she was discharged from the assignment or that she was being harassed at the assignment. The weight of the evidence establishes that the claimant voluntarily quit the full-time, temp-to-hire work assignment for personal reasons, and not for good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to the claimant.

DECISION:

The Agency representative's January 6, 2011, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs