

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERYL A FRANCIS**  
Claimant

**APPEAL NO. 15A-UI-11565-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CERRO GORDO ABSTRACT CO**  
Employer

**OC: 08/30/15**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Sheryl Francis filed a timely appeal from the October 7, 2015, reference 02, decision that disqualified her for benefits and that relieved the employer of liability for benefits, based on an Agency conclusion that she had voluntarily quit on September 28, 2015 without good cause attributable to the employer. After due notice was issued, a hearing was held on November 2, 2015. Ms. Francis participated. Attorney Collin Davison represented the employer. The hearing in this matter was consolidated with the hearing in appeal number 15A-UI-11566-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Sheryl Francis was employed by Cerro Gordo Abstract Company as a full-time abstractor/typist for one day, September 28, 2015, before she voluntarily quit the employment the next morning because she did not think she would be a good fit for the position. In connection with her application for the employment, the employer had provided Ms. Francis with appropriate information concerning the abstractor/typing position. Such information concerned the work hours and wage. The employer understood that Ms. Francis was coming to the employment without a legal or abstracting background and had agreed to provide Ms. Francis with appropriate training. At the time Ms. Francis voluntarily separated from the employment, the employer was willing to have Ms. Francis continue in the employment and had given no indication to Ms. Francis that the employer wanted her to separate from the employment.

**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.

Iowa Admin. Code r. 871-24.25(33) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

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 in the record indicates that Ms. Francis voluntarily quit the employment without good cause attributable to the employer. Ms. Francis decided after a day in the employment that the employment was not a good fit. The employer had not communicated any dissatisfaction with Ms. Francis. The employer did not do anything to contribute to Ms. Francis' decision to voluntarily separate from the employment. Because the voluntary quit was without good cause attributable to the employer, Ms. Francis is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Ms. Francis must meet all other eligibility requirements. The employer's account shall not be charged for benefits paid to Ms. Francis.

**DECISION:**

The October 7, 2015, reference 02, decision is affirmed. The claimant voluntarily quit the employment on September 29, 2015 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked and been paid wages for insured work equal to ten times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/css