

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANN L HAMMELL
Claimant

APPEAL NO. 10A-UI-04757-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIVE STAR QUALITY CARE INC
Employer

**Original Claim: 02/21/10
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Diann Hammell (claimant) appealed a representative's March 19, 2010 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Five Star Quality Care (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 13, 2010. The claimant participated personally. The employer participated by Darlene Brown, Human Resource Assistant, and Kim Taylor, Qualified Mental Retardation Professional Assistant.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 June 28, 2005, as a full-time direct support professional. The claimant was receiving housing assistance from a government agency. That government agency requested information about the claimant's employment in 2008. Mistakenly, the agency was told the claimant no longer worked for the company. The claimant complained to the employer and the employer corrected the information.

In February 2010, the claimant received confidentiality training. On the evening of February 23, 2010, a Celebration of Life ceremony for the claimant's son was to be held. Earlier during the workday, the claimant thought about the Celebration of Life ceremony and the confidentiality training. She felt her rights were violated in 2008. On February 23, 2010, the claimant went to lunch and did not return. On February 25, 2010, the claimant called the employer and resigned. 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 the claimant's words and actions. The claimant stopped appearing for work and told the employer she was quitting. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's March 19, 2010 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw