

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRIS LOZANO
Claimant

TEAM STAFFING SOLUTIONS INC
Employer

APPEAL 15A-UI-03585-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/11/15
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 13, 2015 (reference 02) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on April 15, 2015. The claimant participated. The employer participated through Sarah Fiedler.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last employed on assignment for the employer as a full-time laborer for Bagcraft and was separated from employment on February 13, 2015 when he voluntarily quit without notice. At the time of separation, continuing work was available.

The claimant would carpool to and from work with two co-workers. On the evening of February 12, 2015, the claimant returned home after his shift. Around 11:30 p.m. someone knocked on his door. The claimant recognized the two people standing outside his door as his co-workers, one of whom was also his ex-girlfriend's brother. The two appeared intoxicated and tried to break into the claimant's home. He was able to shut the door unharmed and called the employer the following day. Recognizing one co-worker had a probation officer in the same building as the claimant's probation officer, the claimant did not want to return back to the workplace or report the names of the individuals who had shown up at his home. He offered his resignation to Kala, without explanation of what happened, effective immediately and separated from the company.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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(6) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

In this case, the claimant notified the employer he was quitting without notice due to an encounter off duty with other co-workers, with whom he knew outside of the workplace. The claimant did not elaborate to the employer who was involved or what happened. The claimant's leaving the employment without notice or reason renders the separation without good cause attributable to the employer. Benefits are denied.

DECISION:

The March 13, 2015 (reference 03) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

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