

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALAN R MILLER**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL 16A-UI-02754-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/31/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 23, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit by failing to notify the temporary employment firm within three working days of the completion of his last work assignment. The parties were properly notified of the hearing. A telephone hearing was held on March 28, 2016. The claimant, Alan R. Miller, participated. Witness Patrick Kelly also testified for the claimant. The employer, Advance Services, Inc., participated through Michael Payne, Risk Manager. Witness Renee Hoyt also testified for the employer.

**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: Claimant was employed full time as a runner from May 6, 2015, until this employment ended on January 22, 2016, when he voluntarily quit.

Claimant last reported to work on Tuesday, January 19, 2016. He was ill on Wednesday and Thursday. Claimant went in and talked to Hoyt on Friday, January 22, 2016. He asked Hoyt to let the work placement site know he would not be returning. He confirmed that he was quitting his employment. Claimant asked Hoyt to sign off on the employer not contesting unemployment insurance benefits. Hoyt testified that she told claimant she did not handle that issue and referred him elsewhere.

**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(27) 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:

(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

Claimant testified that he informed Hoyt he was leaving his employment. He never returned to work after that conversation. Claimant was upset with the employer due to some communication issues and his worker's compensation claim. While claimant may have had good personal reasons for leaving his employment, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

#### **DECISION:**

The February 23, 2016, (reference 01) unemployment insurance decision is affirmed. 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.

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Elizabeth Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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