

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBYN ANDERSON

Claimant

APPEAL NO: 13A-UI-11949-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERBRAND CABINETS INC

Employer

OC: 12/16/12

Claimant: Appellant (1)

Iowa Code § 96.5(2)(a) - Discharge for Misconduct

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Robyn Anderson (claimant) appealed an unemployment insurance decision dated October 16, 2013, reference 02, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Masterbrand Cabinets, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 18, 2013. The claimant participated in the hearing. The employer participated through Kyle Roed, Human Resources Manager.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits and/or whether he was discharged for work-related misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time cabinet assembler from March 21, 2011 through September 27, 2013 when he was terminated for job abandonment. The employer's work rules consider it an unauthorized departure when an employee leaves the plant prior to the end of his shift without first contacting their supervisor or a manager. Employees are terminated for an unauthorized departure as it is considered job abandonment. The claimant's work hours are from 6:00 a.m. to 2:30 p.m. On September 26, 2013, he clocked out at 12:03 p.m. before the work was done and without talking to his supervisor or anyone else. The rest of the claimant's group did not leave that day until after 2:00 p.m.

The claimant admitted in the fact-finding interview that he had not contacted his supervisor before leaving on Thursday but claimed in the appeal hearing that he had permission to leave from his lead man. The employer witness said this was the first he heard this claim but that an employee must speak with their supervisor if they want to leave early.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by leaving his work station on September 26, 2013 before the work was done and without obtaining authorization from his direct supervisor.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden. Benefits are denied.

In the alternative, the claimant's separation is also disqualifying if the separation were treated as a discharge. Misconduct that disqualifies an individual from receiving unemployment insurance benefits occurs when there are deliberate acts or omissions that constitute a material breach of the worker's duties and obligations to the employer. See 871 IAC 24.32(1). The claimant was discharged on September 27, 2013 for job abandonment.

It is the employer's burden to prove the discharged employee is disqualified for benefits for misconduct. *Sallis v. Employment Appeal Bd.*, 437 N.W.2d 895, 896 (Iowa 1989). Walking off the job before the work is done and without notification is a complete disregard of the employer's interests and the employee's duties. Work-connected misconduct as defined by the unemployment insurance law has also been established in this case and benefits are denied.

DECISION:

The unemployment insurance decision dated October 16, 2013, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css