

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW R NEWSOM
Claimant

APPEAL NO. 13A-UI-12236-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY
Employer

OC: 09/22/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Andrew Newsom (claimant) appealed a representative's October 28, 2013, decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Jacobson Staffing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 20, 2013. The claimant participated personally and through a former co-worker, Ali Stewart. The employer participated by Jeffrey Dotson, Account Manager.

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 considered all of the evidence in the record, finds that: The employer is a temporary agency. The claimant was hired on September 6, 2013, and assigned to work at Titan Tire as a full-time tire mounter. On February 14, 2013, the claimant was struck in the ankle by a fork lift and broke a bone. He was treated and returned to work with, and later without, restrictions. He worked through May 30, 2013. After May 31, 2013, the claimant believed he reported his absence each day due to a sore ankle but the employer's records indicate that the claimant failed to report his absences on June 3, 5, and 10, 2013. On June 11, 2013, the claimant called the employer and said he would not be returning to work with the employer. 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 told the employer he was quitting and stopped appearing for work. 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 October 28, 2013, decision (reference 03) 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/pjs