

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GEROME C TRENT**

Claimant

**APPEAL NO. 17A-UI-03596-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**

Employer

**OC: 03/12/17**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Gerome Trent (claimant) appealed a representative's March 30, 2017, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits due to his separation from work with Manpower International (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 26, 2017. The claimant participated personally. The employer participated by Gail Gonyaw, Associate Recruiter.

**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 employment service. The claimant performed services from January 2013, through March 2, 2017. The claimant signed for receipt of the employer's handbook on October 31, 2013. The employer has a policy in the handbook that requires employees to notify the employer of all absences.

The claimant was assigned to work for NCI Building Systems as a full-time machine operator from September 23, 2016, to March 2, 2017. The claimant was notified that he should report all absences to the employer and the client company. The claimant's family wants to move to Minneapolis, Minnesota, and started making frequent trips to that area to look for housing while the claimant was assigned to work for the client company, NCI Building Systems. The claimant completed leave slips for the client company. He did not notify the employer of his absences. On March 3, 2017, the client company ended the claimant's assignment for excessive absences for relocation purposes. The employer did not terminate the claimant's employment. It did not hear from the claimant after March 3, 2017. The claimant was spending his time in Minneapolis, Minnesota, looking for a new residence.

**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 § 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(2) 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:

(2) The claimant moved to a different locality.

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 his actions. He did not contact the employer about his absences and quit work. When an employee quits work because he is living in another town, his leaving is without good cause attributable to the employer. The claimant left work because he relocated to a different city to look for a home. His leaving was without 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 30, 2017, 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.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs