

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORI A SIMON**

Claimant

**APPEAL NO: 12A-UI-02491-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRIES ENTERPRISES INC**

Employer

**OC: 01/15/12**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Lori A. Simon (claimant) appealed a representative's February 22, 2012 decision (reference 01) that concluded she was qualified to receive unemployment insurance benefits after a separation from employment with Pries Enterprises, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 28, 2012. The claimant participated in the hearing. Rhonda Pries appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The claimant started working for the employer on August 22, 2011. She worked full-time in the packaging department of the employer's aluminum extruding business. Her last day of work was September 28, 2011.

On September 29 the claimant hit a deer on her way to work, rendering the car undrivable. She was unable to take her car in for repair for at least several weeks. She was not able to find any other transportation to work, and so did not return to work. While she might have initially informed someone with the employer that she would not be in due to hitting the deer, she did not maintain regular contact with the employer. The employer eventually considered the claimant to have voluntarily quit by job abandonment under its three-day no-call, no-show policy. When the claimant eventually contacted the employer to inquire whether she could return to the employment, she was informed that the employer did not have a position available to her.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The intent to quit can be inferred in certain circumstances. For example, failing to report and perform duties as assigned is considered to be a voluntary quit. 871 IAC 24.25(27). Also, a three-day no-call, no-show in violation of company rule is considered to be a voluntary quit. 871 IAC 24.25(4).

The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause. Iowa Code § 96.6-2. Quitting due to a loss of a means of transportation is not good cause for quitting attributable to the employer, and results in disqualification. 871 IAC 24.25(1). The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's February 22, 2012 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of September 29, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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