

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAANA CANADY**  
Claimant

**APPEAL NO. 16A-UI-05827-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 04/24/16**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Daana Canady (claimant) appealed a representative's May 19, 2016 (reference 01) decision that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Tyson Fresh Meats (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 10, 2016. The claimant participated personally. The employer participated by Kris Rossiter, Employment Manager; David Duncan, Human Resources Manager; Jose Paz, Kill Floor Supervisor; and Chuck Mogler, Plant Superintendent. The claimant offered and Exhibit A was received into evidence. The employer offered and Exhibit One was received into evidence.

**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 claimant was hired on February 14, 2006, as a full-time kill floor supervisor. The claimant last worked on March 28, 2016. The claimant called in sick from March 29 through April 1, 2016. She was having problems walking due to a non-work-related injury that occurred in May of 2015.

The claimant wanted to take nine days of vacation from April 4 through April 14, 2016. She did not realize she had no vacation time remaining. A friend brought her a vacation request form from work. She knew she was supposed to return the form before taking the vacation but she thought the employer would understand if she returned the form on her first day back to work, April 15, 2016. She thought she talked to the employer about the vacation but she did not.

The employer did not know what the claimant was doing and was worried about the claimant. On April 1, 2016, two co-workers went to the claimant's residence twice trying to find out where she was. She did not come to the door. On April 6, 2016, the employer sent the claimant a letter but she did not respond. The employer assumed the claimant had voluntarily quit work when she did not appear. 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 § 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 actions. The claimant stopped appearing for work, answering the telephone. 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 May 19, 2016 (reference 01) decision 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/can