

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHRYN D ADAMS
Claimant

APPEAL NO. 12A-UI-04778-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMANDA ENTERPRISES INC
Employer

OC: 04/01/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kathryn Adams filed a timely appeal from the April 20, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on May 15, 2012. Ms. Adams did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Amanda Johnson represented the employer.

The claimant was aware of the May 15, 2012, 10:00 a.m. hearing, as indicated in a document she submitted to the Appeals Section on May 10, 2012.

ISSUE:

Whether Ms. Adams' voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Amanda Johnson operates Amanda Enterprises, Inc., a house cleaning service that employs 15 to 20 employees. Kathryn Adams worked for Amanda Enterprises as a full-time house cleaner from September 2011 until January 23, 2012, when she voluntarily quit. Ms. Adams had last performed work for the employer on Friday, January 20, 2012. On the morning of Monday, January 23, Ms. Johnson arrived at work and discovered a voice mail that Ms. Adams had left over the weekend. In the voice mail, Ms. Adams indicated that she was quitting the employment. In response to the voice mail, Ms. Johnson called Ms. Adams and asked if there was anything that the two needed to talk about. Ms. Adams indicated there was not. Ms. Johnson asked Ms. Adams to take a day to consider her decision to leave the employment.

The employer next heard from Ms. Adams on Thursday, January 26, when Ms. Adams called to inquire about when she could collect her paycheck. Ms. Johnson told Ms. Adams she could collect her paycheck the next day at 5:00 p.m. Ms. Johnson appeared the next day to collect her check. After the notice of quit left in the telephone message prior to January 23 and the discussion on January 23, there was no further discussion between the parties regarding why Ms. Adams had elected to leave the employment or whether she had reconsidered her decision.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant did not participate in the hearing and, thereby, did not present any evidence to support the notion that her voluntary quit was for good cause attributable to the employer. The evidence in the record fails to establish a quit for good cause attributable to the employer and instead establishes a voluntary quit for unspecified personal reasons.

Because Ms. Adams voluntarily quit the employment without good cause attributable to the employer, she is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Adams.

DECISION:

The Agency representative's April 20, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw