

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SARAH ZIMMER**  
Claimant

**APPEAL NO: 12A-UI-08792-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING  
SEDONA STAFFING**  
Employer

**OC: 06/17/12  
Claimant: Respondent (2)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Sedona Staffing (claimant) appealed an unemployment insurance decision dated July 19, 2012, reference 03, which held that Sarah Zimmer (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 19, 2012. The claimant participated in the hearing. The employer participated through Colleen McGuinty, unemployment benefits administrator, and Vanessa Payne, accounting manager. Claimant's Exhibit A was admitted into evidence. 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:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on February 16, 2011 and assigned to work full-time at a long-term position with Modine Manufacturing earning \$18.00 per hour. The contract employer called the claimant into the office on May 22, 2012 and advised her that her assignment would be ending on June 1, 2012. The claimant became angry and walked off the job. She did call the employer later that day and explained what she had done. The claimant sent in an email two days later asking for additional work after 6:00 p.m. and 6:00 a.m.

The claimant contends she was fired from Modine Manufacturing on May 22, 2012. She actually began working at Bovard Studio on May 23, 2012 and worked until June 6, 2012, when she submitted her written resignation. The claimant falsely denied that she resigned her employment with Bovard Studio and only admitted it when the administrative law judge asked about the letter of resignation she provided to that employer. She was already disqualified from unemployment insurance benefits based on her separation with that employer.

The claimant filed a claim for unemployment insurance benefits effective June 17, 2012 but has not received benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by walking off the job on May 22, 2012. She contends she was fired from her position, but her testimony cannot be relied upon, as she is not a credible witness. This is due to the false statement she provided while under oath.

The fact that the employer herein is a temporary employment agency has no bearing on the separation analysis since the claimant voluntarily quit an ongoing assignment. Additionally, the fact that the assignment was scheduled to end on the following week is also not relevant, because the claimant quit before that occurred.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated July 19, 2012, reference 01, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. There is no overpayment as a result of this decision.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw