

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 employed as a seasonal full-time cook from May 5, 2005 through August 5, 2005. He voluntarily quit his employment instead of following a directive to fix a cake. The employer gave the claimant a cake that had a piece missing as someone mistakenly ate it. The employer told the claimant he needed to fix the cake and the claimant said he was not going to do it and told the employer to do it himself. The employer again told the claimant to fix the cake and after the claimant refused, the employer told him if he was not going to fix the cake, he could go home. The claimant left but later called the employer and said he was done and was not coming back.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

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 demonstrated his intent to quit by telling the employer he would not be back and he acted out that intent by failing to return. The claimant did not want to complete the work as directed. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated September 6, 2005, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

sdb/pjs