

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES WHITLOCK**  
Claimant

**APPEAL NO: 11A-UI-09519-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 06/19/11**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Charles Whitlock (claimant) appealed an unemployment insurance decision dated July 15, 2011, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Team Staffing Solutions, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 10, 2011. The claimant participated in the hearing. The employer participated through Sarah Fiedler, Claims Administrator. 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 him to receive unemployment insurance benefits?

**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 as a temporary general laborer on March 11, 2011. At the time of hire, the claimant signed an availability statement which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the availability statement, which is not part of the application or contract of employment.

The claimant was assigned to work for Allsteel on March 14, 2011. He called in his absence on May 24, 2011 and was a no-call/no-show on the next two days. Consequently, his assignment was ended on May 26, 2011.

The employer placed him on an assignment with client HJ Heintz on June 1, 2011 and he worked through June 8, 2011. The claimant was a no-call/no-show on June 9, 10, 13, 14

and 15, 2011. The client company contacted the employer and reported the claimant's failure to call or report to work for five days. The client wanted the claimant removed from the assignment. The employer called the claimant on June 15, 2011 to find out why he had not reported to work.

Account Manager Jennifer Hill spoke with the claimant on June 15, 2011 and he claimant reported that he, "had to quit going to work because he was making too much money to collect Title 19" and that he needs that to cover the cost of his hearing aids since he is half-deaf. The claimant did not ask for additional work but did state that he did not think he was able to work since he would not get his Title 19. The telephone call ended but the claimant called back shortly thereafter and said he thought he might be able to work part-time work. The employer then told him that he was considered to have voluntarily quit due to his no-call/no-show.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he 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 his intent to quit and acted to carry it out by failing to call or report to work for five consecutive workdays.

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. He has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated July 15, 2011, 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.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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