

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS EPPS
Claimant

APPEAL NO. 08A-UI-06942-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLIED CONSTRUCTION COMPANY INC
Employer

OC: 06/29/08 R: 02
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Travis Epps (claimant) appealed an unemployment insurance decision dated July 23, 2008, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Allied Construction Company, 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 13, 2008. The claimant participated in the hearing. The employer participated through Kalen Schlader, Personnel 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 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 full-time general laborer on June 4, 2007 and worked through June 6, 2008. He did not call or report to work after that date and was considered to have voluntarily quit as of June 14, 2008, which is the end of the pay period. The claimant said he did not work on June 9, 2008 because it rained and he looked for a different job after that because he needed to be able to work every day. Then he did not work because his grandmother was in the hospital for three days and he went to the hospital to see her.

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 not calling or returning to work after June 6, 2008. There is no evidence showing that the claimant quit his employment with good cause attributable to the employer.

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 23, 2008, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css