

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES M KING
Claimant

APPEAL NO. 13A-UI-13676-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

JELD-WEN INC
Employer

OC: 11/10/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated December 10, 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone hearing was held on January 7, 2014. The claimant participated personally. The employer participated by Diana Duncan, human resources manager. The record consists of the testimony of James King; the testimony of Diana Duncan; and Employer's Exhibit 1.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer manufactures windows and doors. The claimant was hired on June 17, 2013, as a full-time general laborer. His last day of work was July 17, 2013. The claimant decided to walk off the job because his truck broke down and no one in his family would give him a ride to work.

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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 is not eligible for unemployment insurance benefits. The claimant admitted that he walked off the job because he knew he no longer had transportation to the job site. He did not inform his employer that he was leaving. He clearly initiated the separation of employment by abandoning his job for personal reasons. He did not quit for good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated December 10, 2013, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs