

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**MARIA BOYCE
6909 SURREY DR NE
CEDAR RAPIDS IA 52402-1407**

**THE MCGREGOR CO
KENWOOD HOUSE
C/O MIDLAND HOME CREDIT
PO BOX 517
109 WEST MAIN ST
MARSHALLTOWN IA 50158-0517**

**Appeal Number: 06A-UI-07873-BT
OC: 07/09/06 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Maria Boyce (claimant) appealed an unemployment insurance decision dated July 27, 2006, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with The McGregor Company (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 22, 2006. The claimant participated in the hearing with Abby Besler, a former co-employee. The employer participated through Cathy Shoun, Store Manager; Diane Ross, Salesperson; and Donna Negro, Office Associate.

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 full-time salesperson and design consultant for this furniture store from September 13, 2004 through June 19, 2006, when she voluntarily quit by not calling or returning to work after that date. She was upset because she believed the employer had purposefully put away materials that she had prepared and waiting for a customer who was scheduled to meet with her that day. Another employee had put away the materials so she could use the space to meet with her own customer. The other employee was not aware the materials were there for the claimant since she did not have her name listed on the materials. The claimant believed the employer showed favoritism to other employees.

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 failing to call or return to work after June 19, 2006. She quit because she was upset with the store manager based on a misunderstanding.

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 27, 2006, reference 01, is affirmed. 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.

sda/cs