

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WARREN JEFFERSON-BEY
Claimant

APPEAL NO. 11A-UI-11400-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC/SEDONA STAFFING
Employer

**OC: 02-13-11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 26, 2011, reference 04, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 22, 2011. The claimant participated in the hearing. Colleen McGuinty, unemployment benefits administrator, and Sharon Hagendorn, branch manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired with Sedona Staffing April 7, 2011, and was assigned to work at Twin City Tannery. She sustained a work-related injury April 15, 2011, but did not report it to the employer until April 19, 2011. The claimant was placed on light duty and the employer provided light-duty work in its office. His last day of work was June 3, 2011. He did not call or report to work the following week. The claimant called the employer June 15, 2011, to ask about work and the employer told him he could work light-duty, but the employer never heard from the claimant after that date. The employer sent the claimant letters, but they were returned unopened and the employer closed out the claimant's employment as of June 28, 2011.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

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 from whom the employee has separated. 871 IAC 24.25. The claimant demonstrated his intent to quit and acted to carry it out when he failed to return to work after June 3, 2011, even though work was available. The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. There is no evidence the claimant's separation was with good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are denied.

DECISION:

The August 26, 2011, reference 04, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw