

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIELLE L LOFTUS**  
Claimant

**APPEAL NO: 18A-UI-07655-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WATERLOO COMMUNITY SCHOOL DIST**  
Employer

**OC: 06/17/18**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the July 10, 2018, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 23, 2018. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing, as required by the hearing notice. Mickey Waschkat, Human Resources Specialist and Precious Clark-Muhammed, Confidential Secretary, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

**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 employed as a part-time substitute food service general worker for Waterloo Community School District from March 28, 2017 to February 21, 2018. She voluntarily left her employment by failing to respond to the employer's calls to work or to return any of the employer's calls between October 30, 2017 and January 29, 2018.

The employer called the claimant to work November 3, 2017, without receiving an answer or response to its message; the employer called the claimant to work November 20 and November 17, 2017, but was unable to leave a message; the employer called the claimant to work November 28 and December 1, 2017, but did not receive an answer; the employer called the claimant to work December 8, 2017, and she said, "Not today;" the employer called the claimant to work December 15, 2017, but did not receive an answer; the employer called the claimant to work January 5, 2018, but her number was disconnected; the employer called the claimant to work January 26, 2018, but did not receive an answer; the employer called the claimant to work and left a message February 2, 2018, but the claimant did not return its call; and on February 19, 2018, the employer asked that the claimant's name be removed from the substitute list (Employer's Exhibit One).

The claimant has not received benefits since her separation from this employer.

The employer participated personally in the fact-finding interview through the statements of Human Resources Specialist Mickey Waschkat.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant refused all of the employer's offers of work from November 2, 2017 through February 2, 2018. Her actions in not responding to the employer's calls demonstrate an intention to quit her employment with the school district.

The claimant has not received any benefits since her separation from this employer.

**DECISION:**

The July 10, 2018, reference 03, decision is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant has not been overpaid benefits as she has not received benefits since her separation from this employer.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn