

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STEVEN A HEWITT**

Claimant

**APPEAL 21A-UI-07794-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NEVADA COMMUNITY SCHOOL DISTRICT**

Employer

**OC: 01/10/21**

**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 9, 2021 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on May 26, 2021, at 9:00 a.m. Claimant participated. Employer participated through Rita Foley, Administrative Assistant. No exhibits were admitted.

**ISSUE:**

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant is employed with Nevada Community School District as a substitute teacher. Claimant is currently on the substitute teaching list. Claimant has not requested to be removed from the list. Claimant has not quit his employment with Nevada Community School District; claimant's job is not in jeopardy.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant did not quit his employment. Benefits are allowed provided claimant is otherwise eligible.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Claimant did not quit his employment. Benefits are allowed provided claimant is otherwise eligible and subject to claimant reporting wages earned.

**DECISION:**

The March 9, 2021 (reference 02) unemployment insurance decision is reversed. Claimant did not quit his employment. Benefits are allowed provided claimant is otherwise eligible and subject to reporting wages earned.



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June 14, 2021  
Decision Dated and Mailed

acw/scn