

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MISTY A ODOM**  
Claimant

**APPEAL NO. 15A-UI-00677-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APAC CUSTOMER SERVICES INC**  
Employer

**OC: 11/30/14**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the January 15, 2015, reference 01, decision that disqualified her for benefits and that relieved the employer of liability for benefits, based on an Agency conclusion that the claimant had voluntarily quit without good cause attributable to the employer. After due notice was issued, a hearing was held on February 11, 2015. Claimant participated. Michelle Barrow represented the employer and presented additional testimony through Tammy Mason. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-00678-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant.

**ISSUE:**

Whether the claimant separated from the employment for a reason that disqualifies her for benefits or that relieves the employer of liability for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed on a full-time basis from September 2013 and last performed work for the employer on or about August 22, 2014. After the claimant called in sick for work, the claimant then ceased contact with the employer and has had no contact with the employer since on or about September 2, 2014. The claimant decided not to return to work after she heard from a coworker that the coworker had heard from someone else that the claimant had been discharged. The claimant did not contact the employer to see whether the employer had indeed discharged her. The employer had not discharged her from the employment, but had concluded the employment was terminated by the claimant after the claimant ceased contact with the employer.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 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 evidence in the record indicates that the claimant voluntarily the employment by failing to return to the employment and by failing to make further contact with the employer. The employer had not discharged the claimant. The claimant unreasonably relied upon a rumor passed on by a coworker. A reasonable person would have simply returned for additional shifts or at least have contacted the employer to discuss the person's job status. The claimant did neither. The claimant voluntarily quit the employment without good cause attributable to the employer. Accordingly, the claimant is disqualified for benefits until 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 employer's account shall not be charged for benefits.

**DECISION:**

The January 15, 2015, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until 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 employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs