

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT D. TAGUE
Claimant

APPEAL NO. 09A-UI-06222-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

XENCOM FACILITY MANAGEMENT LLC
Employer

**Original Claim: 03/29/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Scott D. Tague, filed an appeal from a representative's decision dated April 15, 2009, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 18, 2009. The employer participated by Elizabeth Madrid. The claimant failed to respond to the hearing notice and did not provide a telephone number at which he could be reached. The record consists of the testimony of Elizabeth Madrid.

ISSUE:

Whether the claimant left work voluntarily without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, makes the following findings of fact:

The employer in this case provides housekeeping services for shopping centers. The claimant was employed as the manager of Mall of the Bluffs in Council Bluffs, Iowa. He was hired as a full-time employee on June 30, 2008.

On August 9, 2008, the claimant turned in his keys and uniform to the mall office. He did not notify the employer that he was quitting and simply stopped coming into work. The employer tried to call the claimant. One number was for a telephone that was disconnected. The employer left a message for the claimant on the other number. The claimant never returned a call to the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant who voluntarily leaves employment without good cause attributable to the employer is disqualified from receiving unemployment benefits. Iowa Code section 96.5-1. The claimant has the burden of proof in cases involving quits. Iowa Code section 96.6-2. 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 608, 612 (Iowa 1980)

The evidence in this case established that the claimant intended to sever the employment relationship. He left his keys and his uniform with the office of the mall where he worked and did not thereafter report to work or request he be excused. This overt act shows that the claimant no longer wanted to work for the employer. Benefits are denied.

DECISION:

The decision of the representative dated April 15, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw