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

RAE A TWADDLE
Claimant

APPEAL NO: 09A-UI-01322-DT

ADMINISTRATIVE LAW JUDGE
DECISION

TEMP ASSOCIATES
Employer

OC: 12/14/08   R: 04
Claimant: Respondent (5)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Temp Associates (employer) appealed a representative's January 27, 2009 decision (reference 01) that concluded Rae A. Twaddle (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 16, 2009. The claimant participated in the hearing. Deborah Perdue appeared on the employer's behalf. During the hearing, Employer's Exhibits One and Two were entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking assignments with the employer's Mt. Pleasant, Iowa office on February 15, 2008. Her final assignment began on March 25, 2008. Her last day on the assignment was March 26, 2008. The assignment ended because she left before completion of the work.

The claimant's assignment was to work 8:00 p.m. to 8:00 a.m. as an operator at the employer's plastic injection molding business client. An arrangement had been made for the operators to switch machines every four hours. At approximately 3:00 a.m. on March 26 there was a rotation which brought the claimant to a machine that was malfunctioning. The door would not open properly, so the operator would have to jerk it open, causing excessive strain on the operator's shoulder. The claimant had previously worked at this business client as an employee for a year and a half, and was familiar with the machine, with which she had not had prior problems. When she discovered the problems with the machine on March 26, she advised the supervisor that the machine should be shut down until it was repaired. He insisted that she needed to work on the machine for the four-hour rotation. She continued to insist that the machine was not safe, and he continued to insist that she needed to operate the machine. Finally the claimant

decided that as he was not going to alter his decision and there was no one else available to take her complaint, she had no choice but to leave, and did so.

The next morning she immediately reported the matter to the employer, and sought reassignment, but no other work was available to her. The claimant subsequently learned through the employer that the machine was fixed a few days later.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code section 96.5-1. Unsafe, intolerable or detrimental working conditions are good cause for quitting attributable to the employer. 871 IAC 24.26(2),(4). The claimant has demonstrated that a reasonable person would find the employer's business client's work environment at least as it related to this specific machine to be unsafe, detrimental, or intolerable. O'Brien v. EAB, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). Therefore the claimant had good cause attributable to the employer for quitting the assignment. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's January 27, 2009 decision (reference 01) is affirmed as modified with no effect on the parties. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Lynette A. F. Donner
Administrative Law Judge

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Decision Dated and Mailed

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