

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN M BUECHEL
Claimant

APPEAL NO. 09A-UI-08099-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC.
Employer

OC: 03/29/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 1, 2009, reference 05, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 23, 2009. Claimant participated. Employer participated by Gayle Gonyaw, Staffing Specialist. The record consists of the testimony of Ryan Buechel and the testimony of Gayle Gonyaw.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

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

The employer is a temporary staffing agency and had assigned the claimant to work for COBO II International. COBO II, in turn, sent the claimant to work at General Electric. There was no supervisor on site at General Electric from either COBO II or Manpower International, Inc. On November 18, 2008, the claimant received a text message from his girlfriend that she was going to the emergency room for a suspected miscarriage. The claimant could not find anyone to report to that he was leaving. He did call COBO II and left a message. He did not call Manpower International. Later that day, the claimant was informed by Manpower International that his services were no longer needed by COBO II. The claimant asked for another assignment, but he did not accept any other assignments offered by Manpower International.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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 only issue before the administrative law judge is whether the claimant voluntarily quit his job with good cause attributable to the employer on November 18, 2008. The evidence established that the claimant did not intend to sever the employment relationship. Rather he was responding to a family emergency when he left the General Electric plant. The claimant asked for another assignment after he was told he was no longer needed by COBO II. This is further evidence that the claimant wanted to remain in the relationship of an employee with the employer, even though he did turn down some of the proffered assignments. As there was no voluntary quit by the claimant, he is entitled to benefits if he is otherwise eligible.

DECISION:

The decision of the representative dated June 1, 2009, reference 05, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css