

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L WILSON
Claimant

APPEAL NO. 09A-UI-16613-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 10/19/09
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jennifer Wilson filed an appeal from a representative's decision dated October 29, 2009, reference 01, which denied benefits based on her separation from Advance Services, Inc. After due notice was issued, a hearing was held by telephone on December 10, 2009. Ms. Wilson participated personally and Exhibit A was admitted on her behalf. The employer participated by Jacque Finkral, Retention Coordinator. Exhibits One through Four were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Wilson was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wilson began working through Advance Services, Inc., a temporary placement service, on September 4, 2009. She had only one assignment and completed it on October 6, 2009.

Ms. Wilson sent the employer an email on October 8 advising that her assignment was over. She indicated that she had contacted Workforce Development to reactivate her claim. She also indicated that she was making plans to go back to college. On October 9, the employer mailed Ms. Wilson a "Separation/Resignation Form" for her signature. The form contains columns to designate whether the reason for leaving was a quit, a discharge, or a layoff. In the column for voluntary quits, the employer checked the box for "other" and indicated under "Comments" that Ms. Wilson decided to go back to school. Ms. Wilson did not sign and return the form. Nor did she contact the employer to advise that the characterization of her separation was incorrect. She has not been in contact with the employer since her email of October 8.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Ms. Wilson quit her employment with Advance Services, Inc. The employer was reasonable in interpreting her October 8 email as a quit. There would seemingly be no need to notify the employer of her school plans if she intended to continue accepting assignments. If the employer misinterpreted her intentions, Ms. Wilson had the opportunity to correct that perception when she received the "Separation/Resignation Form" sent by the employer on October 9. Given the contents of her email and the failure to correct the employer's perception of her separation, the administrative law judge concludes that she quit her employment.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Wilson did notify the employer of the end of her assignment within three working days of the end of the assignment. However, she quit in the same email in which she gave notice that the assignment was over. Therefore, she quit before the employer had the opportunity to offer her further work.

An individual who quits employment to attend school is presumed to have left employment without good cause attributable to the employer. 871 IAC 24(25)26. Inasmuch as there was no other reason for Ms. Wilson's quit, she is not entitled to job insurance benefits. The fact that she worked for a temporary placement firm does not exempt her from the voluntary quit provisions of the law.

DECISION:

The representative's decision dated October 29, 2009, reference 01, is hereby affirmed. Ms. Wilson voluntarily quit her employment with Advance Services, Inc. for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs