

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICHITH LOVAN
Claimant

APPEAL NO. 12A-UI-01575-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF DM
Employer

**OC: 11/13/11
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 8, 2012 (reference 05) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on March 7, 2012. Claimant participated. Employer participated through account manager for Manpower at Sauer Danfoss Bev Reilly.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a machining technician at Sauer Danfoss on March 7, 2011 and was separated from employment on March 18, 2011. He left the assignment because he thought he was supposed to be building parts or machining and said the job was not a fit for him. Professional staffer for Manpower Josh Smith interviewed claimant and Reilly gave him a job description and a Sauer Danfoss team leader gave claimant a 45-minute tour of the machining department a week before starting. Continued work was available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). He has failed to present substantial evidence that the job he was assigned was significantly different than the job for which he interviewed, toured the plant, and was hired. The leaving of employment was not based upon a good-cause reason attributable to the employer. Benefits must be denied.

DECISION:

The February 8, 2012 (reference 05) decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

NOTE TO PARTIES: One reason the claimant's benefit payment/overpayment is so large is because the employer and claimant did not notify IWD of the claimant's separation. The employment separation was not discovered until claimant filed another claim and the wages from the base period were discovered at that time. It is incumbent upon the employer to track its employees' status and maintain current communication with IWD about any change in status. The claimant is also responsible for keeping IWD up to date about any change in employment status.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw