

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVE E ESPINOSA
Claimant

APPEAL NO. 10A-UI-00497-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AXCESS STAFFING SERVICES LLC
Employer

OC: 11-22-09
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 5, 2010, reference 04, decision that denied benefits. After due notice was issued, a hearing was held on February 18, 2010. The claimant did participate. The employer did participate through Kevin Piatt, Onsite Branch Manager.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was assigned to work at RockTenn Alliance on an as needed basis beginning July 30, 2009 through September 22, 2009 when he voluntarily quit. The claimant stopped showing up for work after September 22, 2009. The claimant was told that the employer worked on a rotational system and in order to be assigned to a line he needed to sign up by showing up for work at least two or three days in a row. The claimant did not do so, so he was not placed on a line.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant chose not to show up for work in order to obtain a place on the line. He knew he was to do so.

While claimant reported for additional work assignment the next business day and meets the requirements of Iowa Code § 96.5(1)j, his leaving the assignment the day before was disqualifying and he had not yet earned ten times his weekly benefit amount (WBA) for the purposes of requalification.

While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The January 5, 2010, reference 04, decision is affirmed. The claimant voluntarily left his 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs