

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RACHEL E LOFTUS
Claimant

APPEAL 17A-UI-11189-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

**OC: 09/24/17
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 25, 2017, (reference 04) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on November 17, 2017. Claimant participated. Employer participated through staffing specialist Elizabeth Barnes and branch manager Karla Keegan. The claimant's proposed exhibit was not included in the hearing record because it addressed an undisputed issue.

ISSUE:

Did claimant voluntarily quit 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 as a full-time production helper assigned at NSK through May 2, 2017. Her last day of work was May 1, 2017. Barnes notified claimant in the first week of May 2017, that her assignment had ended due to attendance problems. Claimant told Barnes she was unable to work because of personal family issues. Her 22-year-old daughter was having medical testing and she was helping to care for her grandson. Continued work at another assignment would have been available had claimant not been caring for family members. Barnes instructed claimant to let her know when she was available to return to work. Claimant requested Family and Medical Leave Act (FMLA) leave paperwork on May 11, 2017. She did not notify Barnes when her daughter's testing had been completed.

While claimant testified she found another job that started June 15, 2017, there is no evidence in the record of any other wages in the second or third quarters on 2017. This is not a combined wage claim with another state and there are no recorded wages from Missouri or Nebraska.

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 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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(3) The claimant left to seek other employment but did not secure employment.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

While the employer has the burden to establish the separation was a voluntary quitting of employment rather than a discharge, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

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

DECISION:

The October 25, 2017, (reference 04) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. If claimant has evidence of insured wages earned since the separation from Manpower, she may present that to IWD Benefits Bureau for calculation of requalification.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs