

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MERLE L LEADLEY
Claimant

APPEAL NO. 09A-UI-02610-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPLOYMENT CONNECTIONS INC
Employer

OC: 01/11/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Merle Leadley filed an appeal from a representative's decision dated February 6, 2009, reference 01, which denied benefits based upon his separation from Employment Connections Inc. After due notice was issued, a telephone conference hearing was scheduled for and held on March 13, 2009. Mr. Leadley participated personally. The employer participated by Debra Lenz and Tammy Christensen.

ISSUE:

At issue in this matter is whether the claimant left employment for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant was employed by the captioned temporary employment service from September 2008 until October 2, 2008 when he chose to voluntarily leave his employment with the company. Mr. Leadley was most recently assigned to work as an order filler at the Pure Fishing Company on a long-term assignment.

Mr. Leadley left his employment because of personal dissatisfaction with mistakes that he was making. Although the employer was not dissatisfied with Mr. Leadley's performance, the claimant nonetheless chose to leave his employment. Work continued to be available to Mr. Leadley at the time he chose to leave temporary assignment. The claimant did not contact the temporary employment service for reassignment within three working days as required, and thus is considered to have left both the temporary assignment as well as the temporary employer.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left employment with good cause attributable to the employer. It does.

The evidence in the record establishes that the employer was satisfied with Mr. Leadley's work performance and had not requested the claimant to leave and continued work was available. Mr. Leadley left his employment solely because he felt that his job performance was not satisfactory. While this is a good personal reason, it is not a reason attributable to the employer.

871 IAC 24.25(33) provides:

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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

For the reasons stated herein the administrative law judge concludes that the claimant voluntarily left employment under disqualifying conditions. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated February 6, 2009, reference 01, is affirmed. The claimant quit work without good cause attributable to the employer. The claimant is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided that he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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