

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA S RITCHIE
Claimant

APPEAL NO: 10A-UI-17022-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT HALF CORPORATION
Employer

**OC: 10/10/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 3, 2010 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Courtney Raske, a staffing manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The employer assigned the claimant to a temp-to-hire job at Wells Fargo on July 9, 2009. Although the claimant understood Wells Fargo had to decide if the claimant was going to be hired as a permanent employee after working 12 months, Wells Fargo had 18 months to make this decision. In September 2010, the claimant asked her Wells Fargo supervisor if this employer had plans to hire anyone on a permanent basis. The claimant understood Wells Fargo had no immediate plans to hire permanent employees.

In mid-September 2010, the claimant had to take some time off from work because her daughter needed foot surgery. About this same time, the claimant's lease ended. On September 29, the claimant sent Raske an email that she was quitting effective immediately due to circumstances beyond her control and that she was moving to another location. The claimant moved to Minnesota. There was continuing work for the claimant to do at Wells Fargo.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1-a. When a

claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j. The law does not apply in this case because the claimant did not complete the job assignment; she left even though Wells Fargo still had work for her to do.

The law presumes a claimant leaves without good cause when she leaves for compelling personal reasons and the absence exceeds ten working days. 871 IAC 24.25(20). The claimant established compelling personal reasons for leaving and her absence was more than ten days because she relocated to Minnesota. When a claimant moves to a different locality, the law presumes she has quit without good cause. 871 IAC 24.25(2).

The claimant quit for compelling personal reasons. The reasons the claimant quit do not qualify her to receive benefits. As of October 10, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's December 3, 2010 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 10, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs