

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL LOTT**  
Claimant

**APPEAL NO: 13A-UI-00173-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON STAFFING COMPANY LC**  
Employer

**OC: 11/25/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Daniel Lott (claimant) appealed an unemployment insurance decision dated December 31, 2012, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Jacobson Staffing Company, LC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 6, 2013. The claimant participated in the hearing. The employer participated through Danielle Aeschlimen, Office Manager and Margo Knight, Assistant Account Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if notified of this requirement at the time of hire.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on June 26, 2012. At the time of hire, he signed an availability statement which advised him of the requirement to check in for additional work after the end of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the availability statement, which is not part of the application or contract of employment.

The claimant was assigned to work full time at Jeld-Wen Windows on third shift at a pay rate of \$9.23. His assignment ended on November 10, 2012 and he interviewed for an assignment at Jeld-Wen Doors on November 14, 2012. The claimant was chosen for the assignment and was scheduled to begin as a builder at a pay rate of \$10.64 on November 15, 2012. He was directed to report to Tyler Harter in the Interior Doors Department on third shift but was a

no-call/no-show. The claimant called the employer and spoke with Office Manager Danielle Aeschlimen on November 16, 2012 and said he could not work due to transportation problems. Ms. Aeschlimen made new arrangements for the claimant to start the assignment on the evening of November 18, 2012 but he was a no-call/no-show. He called the employer on November 19, 2012 and spoke with Assistant Account Manager Margo Knight. The claimant reported that he could not start the assignment due to transmission problems. Ms. Knight subsequently called him on November 26, 2012 and left a message that they would give him another chance but he never returned the phone call.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by twice failing to report for an assignment he accepted and failing to return a subsequent call to the employer. While the claimant denies that he was offered and accepted the assignment at Jeld-Wen Doors, the preponderance of the evidence confirms the employer's facts. The employer provided too many specific details for the information not to be accurate while the claimant merely offered a denial.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated December 31, 2012, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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