

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IRENE C HERRICK
Claimant

APPEAL NO: 12A-UI-02526-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 04/24/11
Claimant: Respondent (5)

Section 96.5-1 – Voluntary Quit
96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer appealed a department decision dated March 8, 2012, reference 04, that held the claimant voluntarily quit with good cause on January 27, 2012, and benefits are allowed. A telephone hearing was held on March 30, 2012. The claimant participated. Christina Hlavacek, Staffing Consultant, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began an assignment in December 2011, and last worked for the employer on January 27, 2012. She received the employer policies in an employee handbook.

Claimant accepted full-time work as a dryer attendant on assignment at sportswear business on December 22, 2011. Claimant experienced an uncomfortable situation with co-workers on assignment that she reported to sportswear management. When the manager failed to resolve the issue to claimant's satisfaction, she chose to leave the assignment that she reported to the employer.

The employer did not have another work assignment to offer claimant until she accepted a part-time janitorial service position that she worked from February 8 to February 17. The employer then had her apply for a full-time assignment for manufacturing work she began on February 27, and where she continues to work for the employer.

The department record shows that claimant reported her earnings from her part-time work while claiming for unemployment benefits, and she ceased claiming after beginning the full-time assignment.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily left work from an assignment, but did not quit employment on January 25, 2012.

The work for a temporary employment firm involves a third party/client. In this case, the claimant left an assignment but she did not quit employment so there is no employment separation to adjudicate. She continued working for the employer as soon as work was available through part time and full time when it became available.

There is no availability disqualification, because claimant was ready, willing and able to work and timely notified the employer about her leaving the assignment on the day it occurred. There was a brief period where the claimant did not work, she worked part time when offered, and then moved back to full-time work within a month. This situation is comparable to intervening periods experienced by temporary employment firms where there is a lapse for an employee moving from one assignment to the next.

DECISION:

The department decision dated March 8, 2012 ,reference 04 ,is modified. The claimant did not separate from employment as a voluntary quit on January 25, 2012. No availability disqualification is imposed. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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