

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY T SCHWAB

Claimant

APPEAL NO. 09A-UI-07602-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES - MARSHALLTOWN

Employer

OC: 04/12/09

Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Mary Schwab, filed an appeal from a decision dated May 11, 2009, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 10, 2009. The claimant participated on her own behalf. The employer, Temp Associates, participated by Manager Nancy Mullaney.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Mary Schwab was employed by Temp Associates from March 20, 2007 until October 21, 2008. Her last assignment was to be for one week minimum at Capitol Resources beginning October 20, 2008. Manager Nancy Mullaney had been told by the client the temporary workers would be making calls for the Republican party to encourage people to vote in the upcoming election, and this information was given to Ms. Schwab at the time she was offered the assignment. She accepted and worked one day.

On October 21, 2008, the claimant called Ms. Mullaney and said she could not work on behalf of the Republican party because she was a Democrat and that was the only reason she gave. At the appeal hearing she asserted she was being asked to solicit campaign contributions for the Republican presidential candidate and she did not like to do that, but this is not something she mentioned to the employer at the time she quit the assignment. The employer was not aware that the client company had anyone other than its own employees soliciting funds and would have investigated Ms. Schwab's complaint had it been made aware of the situation.

After quitting this assignment the claimant elected not to request another assignment from Temp Associates because she did not feel she could trust the employer to be honest about the work being offered. There would have been nothing to prevent her from asking as many questions as she liked in order to get as much information as she wanted about any future assignments.

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 claimant quit rather than accept more assignments from Temp Associates, although she did not notify the employer of her decision. While it is understandable Ms. Schwab may have been somewhat dismayed about her duties at the last client company, she did not give Temp Associates an opportunity to investigate her complaints and resolve the situation, she merely declared she was not going to return to Capitol Resources and made no contact after that.

A temporary agency is dependent on its clients to provide accurate descriptions of the assignment duties being offered. Temp Associates offered the last assignment to Ms. Schwab in good faith and there is nothing in the record which would lead the administrative law judge to question the employer's credibility in these matters. The claimant's resignation must be considered to be without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of May 11, 2009, reference 02, is affirmed. Mary Schwab is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css