

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT OSTRANDER
Claimant

APPEAL NO: 13A-UI-11475-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 09/01/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 7, 2013, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 5, 2013. The claimant participated in the hearing. Colleen McGuinty, Unemployment Benefits Administrator and Nathan Homb, Account Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time picker/packer for Sedona Staffing, last assigned at AY McDonald Manufacturing from August 26, 2013 to August 28, 2013. The assignment was scheduled to be on-going and long-term. The claimant ended the assignment by walking off the job and stating, "I'm done." The client company notified the employer of the situation and Account Manager Nathan Homb contacted the claimant August 29, 2013, to ask what happened as the claimant had not communicated any problems or concerns to the employer. The claimant stated it was not a good fit and he did not feel he was adequately trained. He was trained by watching a video of a fork lift but he was working in a cherry picker and an employee coming off the previous shift trained him for about five minutes. He was required to work 30 to 40 feet in the air sometimes, which made him uncomfortable. He agrees he never contacted the employer to state he was not properly trained before walking off the assignment and quitting.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant was uncomfortable with the assignment, he failed to tell either the employer or client company of his concerns regarding training and heights. The claimant did not provide any evidence that there is a different training program that he should have been allowed to attend. If the assignment was not what he expected or required skills he did not have and could not obtain under those circumstances, the claimant should have notified the employer of the issues so it could have potentially resolved the problem to the claimant's satisfaction or secured him a different assignment. Instead, it appears the claimant was not interested in this type of work and wanted to work as a material handler instead, which led to him voluntarily leaving his assignment. Consequently, benefits must be denied.

DECISION:

The October 7, 2013, reference 02, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs