

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT CONNELLY**  
Claimant

**APPEAL NO. 08A-UI-04852-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UPTOWN STAFFING INC**  
Employer

**OC: 04/20/08 R: 01  
Claimant: Appellant (2)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Robert Connelly (claimant) appealed an unemployment insurance decision dated May 14, 2008, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Uptown Staffing, Inc. (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 June 4, 2008. The claimant participated in the hearing. The employer participated through Trisha Clemmons, Staffing Assistant. 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's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer from March 6, 2008 through April 10, 2008. He was assigned to work in the freezer at Con Agra earning \$10.00 per hour. The assignment was on-going but the claimant voluntarily quit when he notified the employer that he could no longer work there because he could not adapt to the cold work environment. He was getting sick and could not afford to become sicker as he had no medical insurance. The employer offered him another assignment but it only paid minimum wage and was out of town so the claimant could not afford to accept it. The employer helped the claimant get an interview with another company but he was not hired.

**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 telling the employer that his assignment was not working for him as he could not adapt to the cold work environment. The employer could not offer the claimant a comparable assignment at that time but assisted him in obtaining a job interview with another company.

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 satisfied that burden and benefits are allowed.

**DECISION:**

The unemployment insurance decision dated May 14, 2008, reference 01, is reversed. The claimant voluntarily left work with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/css