

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICARDO MARTINEZ
Claimant

APPEAL NO. 12A-UI-04677-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 04/01/12
Claimant: Respondent (1)

Iowa Code § 96.5(1)j – Voluntary Leaving (Temporary Assignment)

STATEMENT OF THE CASE:

The employer filed an appeal from the April 23, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on May 16, 2012. Claimant participated. Employer participated through unemployment specialist, Michael Payne. Employer's Exhibit 1 was admitted to the record.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a temporary at Pannar Seed in Boone, Iowa and was separated from employment on July 20, 2012. He told office manager Haley he quit the assignment because it was too far to travel from Nevada, Iowa to Boone, Iowa because he thought he was hired for 8 to 10 hours per day but got there and was told they would have six or fewer hours per day depending on the weather. He asked for another job with more hours. Haley told him to stay put and she would look for something else closer to him and call him back. She did not call him back so he called her and was told they had nothing for him yet. He had worked for the employer at Syngenta in Slater, Iowa before this assignment but had more hours to justify the commuting expense.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code § 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.

871 IAC 24.26(23) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

The misrepresentation of work hours available gave rise to a good cause reason for leaving the employment. Benefits are allowed.

DECISION:

The April 23, 2012 (reference 01) decision is affirmed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css