

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY J PAYNE
Claimant

APPEAL NO. 09A-UI-03712-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

**Original Claim: 12-14-08
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 25, 2009, reference 04, decision that allowed benefits. After due notice was issued, a hearing was held on April 2, 2009. The claimant did not participate. The employer did participate through Karrie Minch, Senior Staffing Consultant.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was assigned to work at NIS as a general laborer, full-time, beginning January 5, 2009, through February 2, 2009, when she was discharged.

On February 3, 2009, the claimant called her supervisor at NIS and told him she could not come to work because she had a flat tire. When her supervisor offered to pick her up and bring her to work, the claimant then told him she really did not have a flat tire but wanted the day off to get ready to see her husband at his parole hearing the following day. The claimant was discharged from the assignment at NIS for lying to the supervisor in order to get a day off work.

The claimant then told Ms. Minch at Riverside Staffing that she did not want any additional assignments and was going to quit working for Riverside to deal with her personal issues. There was continued work available for her through Riverside if the claimant had been willing to work.

No unemployment insurance benefits were paid to the claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

The claimant's removal from the assignment at NIS was due to her lying to them about her ability to get to work. That removal from the assignment is not good cause attributable to the employer for her quitting her employment with Riverside. The claimant could have continued to work at Riverside but chose not to due to her own personal problems. Her decision to quit working may have been for a good personal reason, but it is not a good-cause reason attributable to the employer for leaving the employment. Benefits are denied.

DECISION:

The February 25, 2009, reference 04, decision is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw