

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DIRK A MOOS**  
Claimant

**APPEAL 16A-UI-05377-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**  
Employer

**OC: 08/09/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(27) – Quit Rather Than Perform Assigned Work

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 28, 2016, (reference 02) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit by failing to report for work for three days in a row and not notifying the employer of the reason for his absence. The parties were properly notified of the hearing. A telephone hearing was held on May 25, 2016. The claimant, Dirk A. Moos, participated. The employer, Manpower International, Inc., participated through Ryan Brennan, Staffing Specialist.

**ISSUE:**

Did claimant voluntarily quit 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 laborer, most recently placed at Bertch Cabinet, from December 8, 2015, until this employment ended on April 6, 2016, when he voluntarily quit.

Claimant was having trouble affording necessary medications for his health, and he was spending a significant amount of money on transportation to get to and from work. Claimant also testified he was having difficulty with his coworkers and he was experiencing some health concerns. When asked if he would have remained in his employment had the financial situation been better, claimant testified he would definitely have remained in his job.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are withheld.

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.

Iowa Admin. Code r. 871-24.25(27) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). While claimant testified that he had numerous reasons for leaving his employment, the two primary topics of his largely self-directed testimony were his financial situation and his health. Even if claimant was experiencing mistreatment from his coworkers, he clearly testified that he would have remained employed at the Bertch Cabinet placement site had he made more money. Claimant's financial predicament is not a good cause for leaving the job that is attributable to the employer.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant's failure to return to work after April 6, 2016, was job abandonment. Benefits must be withheld.

#### **DECISION:**

The April 28, 2016, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

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Elizabeth Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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