

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORA R HOELSCHER
Claimant

APPEAL NO. 10A-UI-00678-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**Original Claim: 11/22/09
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Express Services, Inc. (ESI) filed an appeal from a representative's decision dated December 29, 2009, reference 03, which held that no disqualification would be imposed regarding Cora Hoelscher's separation from employment. After due notice was issued, a hearing was held by telephone on February 24, 2010. Ms. Hoelscher participated personally. The employer participated by Holly Burtness, Staffing Consultant.

ISSUE:

At issue in this matter is whether Ms. Hoelscher was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Hoelscher began working through ESI, a temporary placement firm, in July of 2008. Her last assignment was with Winnebago Industries, where she began working full-time on October 26, 2009. She left the assignment on November 19, before its completion, because the work caused carpal tunnel syndrome in both hands. She presented ESI with a doctor's statement on November 20 and indicated she was leaving the assignment.

Ms. Hoelscher sought alternative work with Winnebago Industries and ESI but no other work was available through either company. Therefore, she filed a claim for job insurance benefits effective November 22, 2009.

REASONING AND CONCLUSIONS OF LAW:

Ms. Hoelscher was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). It is undisputed that Ms. Hoelscher left her assignment with Winnebago Industries before it was completed. Therefore, her separation of November 20, 2009 was a voluntary quit. An individual who leaves employment voluntarily is disqualified from

receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Hoelscher quit her assignment because it caused carpal tunnel syndrome, a condition confirmed by her doctor. She could not continue in the assignment without risking further deterioration of her health. She gave both Winnebago Industries and ESI notice of her condition, but there was no work available that would not have aggravated her condition. Under such circumstances, the resulting quit was for good cause attributable to the employment. See Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956). For the reasons cited herein, benefits are allowed.

DECISION:

The representative's decision dated December 29, 2009, reference 03, is hereby affirmed. Ms. Hoelscher was separated from ESI on November 20, 2009 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw