

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMY JAMESON
Claimant

APPEAL NO: 10A-UI-05910-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

LF STAFFING SERVICES INC
Employer

OC: 11-29-09
Claimant: Appellant (1)

Iowa Code Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 13, 2010, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 8, 2010. The claimant participated in the hearing. Tracey Gutkenecht, Branch Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time food production worker for three weeks and a part-time food production worker for four weeks, not sequentially, for Labor Finders last assigned to Kerry Ingredients from February 7, 2010 to March 24, 2010. During the week of February 7, 2010, the claimant worked 25 hours; during the week of February 14, 2010, the claimant worked 49.75 hours; during the week of February 21, 2010, he worked 31.5 hours for another client; during the week of February 28, 2010, he worked four hours for another client; during the week of March 7, 2010, he worked 44.5 hours; during the week of March 14, 2010, he worked 46.5 hours; and during the week of March 21 through March 24, 2010, he worked 24.5 hours. On March 24, 2010, Production Manager Travis Snyder sent an e-mail to the employer asking what happened to the claimant because they could not find him and had to shut down the whole plant to make sure he was not killed by a piece of equipment. Branch Manager Tracey Gutkenecht called the claimant March 25, 2010, at 6:00 p.m. and his brother said he was working for his landlord. She spoke to the claimant later that day or the following day and he said the supervisor told him that he was only going to work four hours March 24, 2010, so he left after approximately two hours because he was upset about being sent home when he lived 96 miles away and did not return the following day. Consequently, the employer considered the claimant to have voluntarily quit his job.

REASONING AND CONCLUSIONS OF LAW:

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

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant was upset about being told he would be sent home after four hours March 24, 2010, it was unacceptable for him to leave without notifying his supervisor after two hours, causing the employer to shut down the plant to make sure he had not been killed or injured by a machine. Although 96 miles is a long drive the claimant was aware of the commuting distance when he accepted the assignment and cannot now say it is too long without consequence. The claimant has not demonstrated that his leaving was for unlawful, intolerable or detrimental working conditions but rather has shown he was dissatisfied with the working environment and his hours even though he was not guaranteed a certain number of hours per week. Consequently, the administrative law judge must conclude the claimant has not met his burden of proving his leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The April 13, 2010, reference 03, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits from this employer are denied. The claimant is eligible to receive benefits since there are sufficient wages earned with other employers on his claim, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs