

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARIN E STORM

Claimant

APPEAL NO. 09A-UI-03111-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING
& PROFESSIONAL SERVICES LLC**

Employer

**Original Claim: 06/01/08
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

Darin Storm filed an appeal from a decision dated February 16, 2009, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held in Sioux City, Iowa, on May 13, 2009. The claimant participated on his own behalf. Aventure Staffing participated by Office Manager Cyd Hall. Exhibits A and One were admitted into the record.

ISSUE:

The issue is whether the claimant quit work without good cause attributable to the employer.

FINDINGS OF FACT:

Darin Storm began working for Aventure Staffing November 20, 2000. His last assignment began October 13, 2008, at Morton Company. It was an indefinite assignment. Mr. Storm and the other temporary workers were laid off effective December 19, 2008, and had a specific return-to-work date of January 5, 2009, with this client company.

Under the terms of the employer's policy, Mr. Storm called Branch Manager Sheryl Lee on December 19, 2008, to ask about another job. There was nothing available at that time and Ms. Lee said she would let him know if something came up. On December 22, Employee Service Representative Danielle Wiggins offered Mr. Storm an assignment at Dr. Pepper for an indefinite period of time. He agreed to accept the assignment and worked that one day. On December 23, 2008, Mr. Storm contacted the employer and said he was not going to continue with the assignment, as he had other commitments. Mr. Storm has his own business, to which he wanted to devote some time, as well as family time he wanted to spend. He did return to work to Morton on January 5, 2009.

REASONING AND CONCLUSIONS OF LAW:

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 did accept the assignment at Dr. Pepper and could have continued working there until returning to work at Morton on January 5, 2009. His decision to quit that assignment is a voluntary resignation the same as any separation from employment, regardless of whether it was temporary. He quit work for personal reasons that, while they might constitute good personal cause, do not constitute good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of February 16, 2009, reference 03, is affirmed. Darin Storm is disqualified and benefits are withheld until he has re-qualified by earning time times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw