

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW REED
Claimant

APPEAL NO: 15A-UI-13609-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

R J PERSONNEL INC
Employer

OC: 10/18/15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 2, 2015, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 4, 2016. The claimant participated in the hearing. Holly Jacobi, Account 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 fry operator for Temp Associates last assigned at West Liberty Foods October 28, 2015. The assignment was scheduled to be a long-term assignment but after completing a three-day orientation the claimant worked one day and voluntarily quit his job by notifying the employer he would not be returning due to ongoing personal issues. The claimant has three children, six, five and one years old. He liked to be there to take his children to school and to pick them up and take them to their activities throughout the week because his girlfriend does not have a driver's license. The claimant thought the assignment at West Liberty Foods would allow him to leave by 3:00 p.m. every day when in fact he might have been required to stay later on some days. Consequently, he voluntarily quit his assignment.

The employer requires employees to sign availability sheets once per year. On March 15, 2015, the claimant listed his availability as any day of the week and any shift. He never amended his availability before his voluntary leaving of employment.

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 § 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.

The claimant listed his availability as any shift on any day in March 2015 when he was required to complete his annual availability statement with the employer in March 2015. He was offered and accepted a first shift position at West Liberty Foods but after working one day and realizing he would not always be able to leave at 3:00 p.m. the claimant quit his job because he wanted to be able to pick his children up from school and take them to their activities. While that is admirable, it is not a good-cause reason for leaving his employment. The claimant worked previous assignments where his shift ended after 3:00 p.m. and performed those jobs. The nature of the West Liberty Foods assignment dictated that the claimant could not always expect to leave at 3:00 p.m.

The claimant has not demonstrated that his leaving was for unlawful, intolerable, or detrimental working conditions as is required by Iowa law before benefits will be allowed for a voluntary leaving of employment. Consequently, the administrative law judge must conclude the claimant has not met his burden of proof. Therefore, benefits must be denied.

DECISION:

The December 2, 2015, reference 02, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css