

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JASON A LEA
1240 – 19TH AVE SW
CEDAR RAPIDS IA 52404

COMP TEAM INC
c/o FRICK UC EXPRESS
PO BOX 66730
ST LOUIS MO 63166-6730

Appeal Number: 06A-UI-02594-HT
OC: 01/22/06 R: 03
Claimant: Respondent (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge
Section 96.5(1)g – Quit

STATEMENT OF THE CASE:

The employer, Comp Team, filed an appeal from a decision dated February 20, 2006, reference 01. The decision allowed benefits to the claimant, Jason Lea. After due notice was issued, a hearing was held by telephone conference call on May 25, 2006. The claimant participated on his own behalf. The employer participated by General Sales Manager Dan Barber.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jason Lea was employed by Comp Team from April 26 until July 21, 2005. He was a part-time trainer.

On July 21, 2005, General Sales Manager Dan Barber had a discussion with the claimant about his work performance. Concern was expressed over his failure to follow the dress code, a student complaint and a general lack of professionalism. The employer considered it to be an informal verbal counseling and had no intention of discharging the claimant.

During the course of the discussion Mr. Lea stated perhaps he was "not a good fit" for the job. Mr. Barber agreed this might be the case and the claimant separated from employment.

Mr. Lea filed a claim for unemployment benefits with an effective date of January 22, 2006. His weekly benefit amount is \$137.00. Since his separation from Comp Team and prior to filing his claim for benefits he has earned more than ten times his weekly benefit amount.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

There is nothing in the record to support the claimant's contention he was discharged. The employer's intent was to discuss performance issues, not to discharge him. Apparently the claimant felt he was in danger of being discharged and elected to resign. This is not good cause attributable to the employer and the claimant is disqualified as a result of his separation from this employment.

Mr. Lea has requalified under the provisions of the above Code section by earning more than ten times his weekly benefit amount from other employers.

DECISION:

The representative's decision of February 20, 2006, reference 01, is modified in favor of the appellant. Jason Lea is qualified for benefits, provided he is otherwise eligible. However, the account of Comp Team shall not be charged with benefits paid to the claimant.

bgh/kkf