

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANK R SAWYER JR
Claimant

APPEAL NO. 07A-UI-03133-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 10/22/06 R: 04
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Frank Sawyer filed an appeal from a representative's decision dated March 19, 2007, reference 01, which denied benefits based on his separation from Temp Associates. After due notice was issued, a hearing was held by telephone on April 12, 2007. Mr. Sawyer participated personally. The employer participated by Jenny McNeal, Account Manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Sawyer began working for Temp Associates, a temporary placement firm, on February 6, 2007. He was assigned to work full time for PPG Industries. On February 12, he went to Rockford, Illinois, because his minor daughter had been beaten up. He returned home on February 14. Mr. Sawyer notified Temp Associates on February 15 that he could not work at that time because of personal issues involving his daughter. He did not at any point return to Temp Associates to re-offer his services.

After his separation from Temp Associates, Mr. Sawyer began working for a new employer. He opted to go to work for a different employer because he felt he would have more of an opportunity to take time off as needed to handle matters concerning his daughter. Continued work on the PPG Industries assignment would have been available if Mr. Sawyer had not quit.

REASONING AND CONCLUSIONS OF LAW:

Mr. Sawyer was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). It appears undisputed that Mr. Sawyer quit his job with Temp Associates as he failed to complete his assignment with PPG Industries. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit

was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Mr. Sawyer quit because of personal family problems. An individual who leaves employment because of family responsibilities or serious family needs is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(23).

Although Mr. Sawyer left his employment for compelling personal reasons, he did not return to Temp Associates to re-offer his services after the compelling personal reason ceased to exist. Therefore, he is not entitled to benefits pursuant to Iowa Code section 96.5(1)f. It is true that Mr. Sawyer worked elsewhere after leaving Temp Associates. However, he did not leave his employment with Temp Associates for the sole purpose of accepting other work as required by Iowa Code section 96.5(1)a. He has not earned ten times his weekly job insurance benefit amount since leaving Temp Associates. Therefore, he has not requalified for benefits pursuant to Iowa Code section 96.5(1)g.

After considering all of the evidence, the administrative law judge concludes that Mr. Sawyer's quit was not for good cause attributable to the employer. His separation does not meet the criteria for granting benefits pursuant to any exception created by law. For the reasons cited herein, benefits are denied.

DECISION:

The representative's decision dated March 19, 2007, reference 01, is hereby affirmed. Mr. Sawyer quit his employment with Temp Associates for no good cause attributable to the employer and is not entitled to benefits under any exception created by law. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs