

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEAN R MC CLEARY
Claimant

APPEAL NO: 12A-UI-03456-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**OC: 03/13/11
Claimant: Appellant (1/R)**

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 29, 2012 determination (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge. The claimant participated in the hearing with his witness, Doris Hanson. Colleen McGuinty and Vanessa Payne appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer, a temporary employment agency, in August 2009. The employer assigned him on February 4, 2012, to a full time temp-to hire job.

At this job the claimant worked as a machine operator and received about 30 minutes of training. The trainer told the claimant that if he had any problems to get the trainer who was going to be at another machine. The claimant did not have any problems until February 10.

On February 10, the claimant had problems with the equipment he operated and had to take time to find the trainer. As a result of this "down" time, the claimant worked harder to catch up on his work.

The claimant left a message for the employer that February 10 was his last day of work because this job assignment was not for him. The claimant quit because he concluded he should have received more training or the trainer should have been easier to find when he had problems. The claimant also had some concerns about oil he saw on the floor between some equipment. When the claimant worked at this assignment, he was not injured and did not see anyone else injured.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits.

The claimant established personal reasons for quitting. Even though the claimant may have been frustrated when he had problems with the equipment he operated and had to take time to look for the trainer, this does not establish good cause to quit. When a claimant does not inform an on-site supervisor or the employer about safety issues, it is difficult to understand why a claimant does not give the employer or the business client an opportunity to investigate and resolve the concerns. The claimant did not establish intolerable or detrimental working conditions. 871 IAC 24.26(4). Therefore, he is not qualified to receive benefits as of February 12, 2012.

If the claimant has received benefits since February 12, he has been overpaid. The issue of overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's March 29, 2012 determination (reference 04) is affirmed. The claimant voluntarily quit his employment for personal reasons, but these reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 12, 2012. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of overpayment of benefits the claimant may have received since February 12, 2012, is **Remanded** to the Claim's Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs