

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

BETH D BOGERT
306 FRANKLIN 5TH ST
DONNELLSON IA 52233

MANPOWER INC OF CEDAR RAPIDS
1220 INDUSTRIAL AVE
HIAWATHA IA 52233-1155

Appeal Number: 04A-UI-06151-BT
OC: 05/09/04 R: 04
Claimant: Appellant (1)

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 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Beth Bogert (claimant) appealed an unemployment insurance decision dated May 27, 2004, reference 03, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Manpower of Cedar Rapids (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 28, 2004. The claimant participated in the hearing. The employer participated through Debbie Chamberlain, Risk Control Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time laborer from January 27, 2003 through April 19, 2004. She was removed from an assignment by the employer but was eligible for other assignments, as she was not terminated from the company. The claimant never contacted the employer for additional work but the employer offered work to the claimant, which she refused. She started attending Department Approved Training on May 17, 2004 but did not advise the employer of this information until June 21, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a.

The claimant was terminated from an assignment but she was not discharged by the employer and was eligible for other assignments. The claimant failed to request or accept work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant demonstrated her intent to quit and acted to carry it out when she stopped working for the employer. There is no evidence the claimant had good cause to quit her employment, and consequently, she is not entitled to benefits as a result of this separation.

DECISION:

The unemployment insurance decision dated May 27, 2004, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer and is not eligible for benefits as a result of this separation. The employer's account shall not be charged.

sdb/kjf