

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PRECIOUS V CLARK**  
Claimant

**APPEAL NO. 14A-UI-10325-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**  
Employer

**OC: 09/07/14**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Precious Clark filed a timely appeal from the September 23, 2014, reference 01, decision that disqualified her for benefits in connection with a September 3, 2014, voluntary quit from Aerotek, Inc. After due notice was issued, a hearing was held on October 22, 2014. Ms. Clark participated. Michael Lynch represented the employer. Exhibits A through G were received into evidence.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Aerotek, Inc., is a staffing agency. In January 2014, Aerotek placed Precious Clark in a temp-to-hire work assignment at client business Grainger. The assignment initially offered part-time hours, but soon provided full-time hours. Until the end of June 2014, Ms. Clark's work hours at Grainger had been 6:00 a.m. to 2:30 p.m., Monday through Friday. At the end of June 2014, Ms. Clark started new duties at Grainger and her work hours changed to 8:00 a.m. to 4:30 p.m., Monday through Friday. Ms. Clark continued on this schedule until September 2, 2014, when she voluntarily quit the employment because the client business, Grainger, declined to return her to the earlier work hours or allow Ms. Clark to be done with work daily at 3:00 p.m. Ms. Clark requested the change in work hours because she was undergoing medical tests. Ms. Clark's request for an earlier quit time was also based on her desire to monitor her adult daughter. Ms. Clark's daughter had attempted suicide on August 21, 2014 and had been discharged from the hospital on August 24, 2014. Neither the employer, Aerotek, nor the client business, Grainger, denied any of Ms. Clark's requests for time off. However, the supervisor at Grainger advised Ms. Clark that Grainger was tracking the absences. Ms. Clark understood that a certain number of absences would subject her to discharge from the assignment. Neither Grainger nor Aerotek ever notified Ms. Clark that she was in jeopardy of being discharged from the assignment. Ms. Clark did not provide the employer or the client business with any medical documentation to support the need for a standing work hours accommodation for her own medical needs or concerning her daughter. The client business did indicate that Ms. Clark

could switch to a part-time position that would provide earlier hours, but Ms. Clark declined that offer.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(18) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(18) The claimant left because of a dislike of the shift worked.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Ms. Clark has presented insufficient evidence to establish that it was medically necessary for her to go to a 3:00 p.m. daily quit time. The evidence indicates instead, that the earlier daily quit time was a matter of personal preference and that the employer had indeed accommodated Ms. Clark's requests for time off to attend to her medical issues. Ms. Clark had previously acquiesced in the change in work hours to the 4:30 p.m. daily end time. The client business's decision not to amend the hours to provide an earlier quit time did not under the circumstances provided good cause for quitting the employment.

Ms. Clark voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Clark is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits.

### **DECISION:**

The September 23, 2014, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her

weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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