

**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**

**Appeal Number: 06A-UI-07901-DT
OC: 07/02/06 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.

**JEFFREY J SIRTAK
1247 – 4TH AVE SE
CEDAR RAPIDS IA 52404**

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.

**R J PERSONNEL INC
TEMP ASSOCIATES
PO BOX 1061
MUSCATINE IA 52761-0018**

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Jeffrey J. Sirtak (claimant) appealed a representative's July 26, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from R. J. Personnel, Inc., Temp Associates (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 22, 2006. The claimant participated in the hearing. Mike Thomas appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a temporary employment firm in Muscatine, Iowa. The claimant's first and only assignment with the employer began on April 17, 2006. At that time he lived in Muscatine. He worked full time as a laborer on the second shift with the employer's Muscatine business client. His last day on the assignment was June 15, 2006. He was scheduled to work on June 16, 2006 but called in sick to the business client, indicating he would be at work the next day, June 17. However, on June 17 he was a no-call, no-show for work. He was next scheduled to work on June 21, but was out of town at that time and was a no-call, no-show for work. He had not called in after June 17 because he was frustrated about not being brought on to work with the business client as a permanent employee despite discussions that they were considering doing so.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

Iowa Code § 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.

871 IAC 24.25 provides that, 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. By his actions, the claimant indicated his intent not to return to work the assignment with the employer. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant demonstrated the intent to quit and acted to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's July 26, 2006 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of June 16, 2006, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/pjs