

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JERRY D HAAS**

Claimant

**APPEAL NO. 08A-UI-00706-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**

Employer

**OC: 12/16/07 R: 04  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Jerry Haas filed an appeal from a representative's decision dated January 9, 2008, reference 02, which denied benefits based on his separation from DES Staffing Services, Inc. (DES). After due notice was issued, a hearing was held by telephone on February 5, 2008. Mr. Haas participated personally. The employer participated by Amy MacGregor, Human Resources Manager, and Jackie Shay, Assistant Branch Manager.

**ISSUE:**

At issue in this matter is whether Mr. Haas 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. Haas began working for DES, a temporary placement service, on November 12, 2007. He was assigned to work full time for International Ingredient Company. He began the assignment working on the first shift from 5:30 a.m. until 3:30 p.m.

Approximately three weeks before his separation, Mr. Haas was switched to the third shift to work from 7:00 p.m. until 5:30 a.m. He did not, at the time, notify DES that he would have any problem working that shift. He was to be paid a shift differential for working third shift but did not receive it. He did not contact DES regarding the additional pay until after his separation. On December 13, Mr. Haas decided he no longer wanted to work the third shift. He was also unhappy about the fact that he was not receiving the shift differential he was supposed to receive. He also felt there was a safety issue, as he had to climb on stacked material because the work was behind. The work was behind because materials were being sent down the conveyor when there were not sufficient people to handle it. Mr. Haas walked off the job on December 13 without notifying a supervisor that he was leaving. He told coworkers he was leaving and they notified the supervisor.

Mr. Haas contacted DES on December 14 to report that he had left the assignment. This was the employer's first notice that he was unhappy with his placement. This was also the employer's first notice that he was not receiving the shift differential he was entitled to receive. The employer did pay him for the shift differential that had not been previously paid. Continued work would have been available on the assignment if Mr. Haas had not quit.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Haas 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). Mr. Haas quit his assignment with International Ingredient Company while work continued to be available. Since he did not complete the assignment, his separation on December 13 is considered a voluntary quit. 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).

Mr. Haas had a duty to bring his work-related problems to the attention of his employer, which was DES. He did not tell DES that he was unhappy about his transfer to third shift. Therefore, he deprived the employer of the opportunity to see if a day shift assignment was available with a different client company. Moreover, he acquiesced to the shift change by working the new hours for three weeks before quitting.

Mr. Haas also failed to notify DES that he was not receiving his shift differential pay. It is true that the employer could have discovered this information by reviewing his time cards showing that he was clocking in and out at different hours than previously. However, it was unreasonable to expect the employer to review all time cards to determine if there were changes that might need to be acted on. Inasmuch as DES took steps to pay him the shift differential once it was brought to their attention on December 14, the administrative law judge concludes that the employer would have made the changes earlier had the problem been brought to their attention by Mr. Haas earlier.

Mr. Haas also indicated that he had safety concerns about his assignment in that he had to climb on top of stacked product. The situation described by Mr. Haas did not appear to be one in which he was in immediate danger such that he was justified in leaving the assignment before first giving DES an opportunity to try to resolve the problem. He simply walked off the job without notifying his supervisor.

After considering all of the evidence, the administrative law judge concludes that Mr. Haas did not have good cause attributable to the employer for quitting. As such, he is not entitled to job insurance benefits.

**DECISION:**

The representative's decision dated January 9, 2008, reference 02, is hereby affirmed. Mr. Haas quit his employment with DES for no good cause attributable to the employer. 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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