

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

WARD F DAVIS  
2807 E 35<sup>TH</sup> ST  
DAVENPORT IA 52807

L A LEASING INC  
SEDONA STAFFING  
612 VALLEY DR  
MOLINE IL 61265

Appeal Number: 06A-UI-05174-DWT  
OC: 04/09/06 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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ward F. Davis (claimant) appealed a representative's May 15, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Sedona Staffing, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 31, 2006. The claimant participated in the hearing. Colleen McGuinty, the unemployment insurance benefits administrator, 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 his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in June 2001. The claimant has worked a variety of assignments through the employer and has worked more than once at Rock Island Marketing.

Most recently, the claimant accepted a long-term indefinite assignment at Rock Island Marketing on April 3, 2006. The claimant worked on April 3. On April 4, the claimant went to work, but learned he had to wait to find out where he would be assigned that day. The claimant went to a break room. When the claimant could not immediately find out where he would be assigned, the claimant just left. The claimant did not want to work certain jobs at this assignment. In the past, he left this assignment without any problems after telling the supervisor he was not interested in working in a particular job or in a particular building. On April 4, the claimant left without authorization.

When the supervisor went to the break room to assign people where to work and the claimant was gone, he recorded the claimant as a walk off. This was reported to the employer who prepared a written warning to give to the claimant. A few days later the claimant came back to work, but the supervisor told him he had to sign a written warning the employer had at the office before he could return to work. On April 12, 2006, the claimant called and talked to one of the employer's representatives. This representative also informed the claimant he could not be assigned to another job until he came in and signed the written warning. The claimant did not go in to sign this warning. The claimant has not worked any assignment for the employer since April 4, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The claimant's failure to obtain permission before leaving work on April 4, and his failure to sign a written warning when the employer informed him more than once he had to sign the warning before he could go back to work at the assignment, are factors that establish the claimant quit his employment. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant abandoned his job assignment when he failed to sign a written warning the employer had at the office. After the claimant signed the warning, the employer planned to return the claimant to the assignment. Under these facts, the claimant quit when he failed to sign a warning he had been asked to sign. The claimant may have compelling reasons for quitting or abandoning his job. His reasons do not qualify him to receive unemployment insurance benefits. As of April 9, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's May 15, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit his employment when he failed to sign a written warning, which the employer required him to do before he could return to the Rock Island Marketing assignment. The claimant quit for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 9, 2006. 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.

dlw/kkf