

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRUCE G CRAWFORD**

Claimant

**APPEAL NO: 10A-UI-12360-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**

Employer

**OC: 11/15/09**

**Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's July 15, 2010 decision (reference 02) that held the claimant qualified to receive benefits because he quit a part-time job for nondisqualifying reasons.

When the employer appealed, the Appeals Section only set up a hearing on an issue of whether the claimant refused an offer of work for reasons that qualify him to receive benefits (reference 03). The Appeals Section failed to set up a hearing on the reasons for the claimant's employment separation (reference 02) even though the employer clearly stated the employer was appealing both the employment separation and refusal issues. The parties agreed to waive notice so the employment separation issue could also be addressed during this hearing.

A telephone hearing was held on September 3, 2010. The claimant participated in the hearing. Stacey Navarro and Alisha Montelongo 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 benefits?

**FINDINGS OF FACT:**

The claimant registered to work with the employer. The employer assigned the claimant to a long-term job assignment at MidAmerican Recycling. The claimant started this job on May 24. The claimant worked at this job until May 26. On May 26, the claimant left the employer a message that he was quitting this job assignment. The claimant quit effective immediately.

The claimant quit because the job required him to stand in one place for a long time. The claimant's former job as a construction worker allowed him to walk and move around. Standing for a long time bothered the claimant's lower back and feet. Also, at MidAmerican Recycling, the claimant was required to wear jeans. Jeans chafed his legs.

The claimant has filed for and received benefits since May 23, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if a claimant voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

The claimant quit his employment for personal reasons. Even though standing for prolonged time in one spot bothered the claimant's feet and lower back, he failed to ask the employer or MidAmerican Recycling if there was anything he could do move around more often to resolve this problem. The claimant did not establish that he quit for medical reasons. For unemployment insurance purposes the claimant quit a long-term job assignment for reasons that do not qualify him to receive benefits. As of May 23, 2010, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's July 15, 2010 decision (reference 02) is reversed. The claimant voluntarily quit a long-term job assignment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 23, 2010. 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. An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs