

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN F KAISER
Claimant

APPEAL NO: 090-UI-07364-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 02/01/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Voluntary Quit Part-time Employment

STATEMENT OF THE CASE:

Steven F. Kaiser (claimant) appealed a representative's March 9, 2009 decision (reference 01) that concluded he was not qualified to receive benefits as of February 10, 2009, because he voluntarily quit an assignment 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 June 8, 2009. The claimant participated in the hearing. Mike Schaul, the owner, 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 an assignment that disqualifies him from receiving benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 1, 2009. On February 10, the employer discovered it did not have enough workers at a recycling center. The employer called the claimant to see if he would work a one-day assignment at a recycling center. The employer called the claimant shortly before 5:00 p.m.

The claimant agreed to work the one-day assignment at the recycling center. The claimant's shift would end at midnight. The claimant reminded the employer he was going to start another job on Friday, February 13.

The claimant worked 53 minutes at the recycling center. The claimant discovered he could not go through trash to find recycled materials without gloves or a mask. The odor made the claimant nauseated. The claimant told the supervisor at the recycling center the job was not for him and he had to leave. The claimant contacted the employer and informed the employer he left the job assignment early.

The claimant started working at his other job as planned. He worked about a month.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When the claimant left the assignment after 53 minutes, he voluntarily quit the job. The claimant quit for personal reasons that do not qualify him to receive benefits. If the job had been a full-time job, the claimant would not be qualified to receive benefits. This job was only a one-day or part-time job. Therefore, the claimant is not disqualified from receiving benefits for quitting this one-day part-time job. 871 IAC 24.27. The claimant remains qualified to receive benefits as of February 8, 2009.

The issue of whether the employer's account is subject to charge is based on the reasons for the claimant's employment separation prior to February 1, 2009.

DECISION:

The representative's March 9, 2009 decision (reference 01) is reversed. The claimant voluntarily quit a one-day assignment without good cause. Since this was a part-time job and the claimant notified the employer he left the job early, the claimant is not disqualified from receiving benefits. The claimant remains qualified to receive benefits as of February 8, 2009, provided he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css