

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICK D ECKLIN

Claimant

APPEAL NO. 15A-UI-11212-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 07/05/15

Claimant: Respondent (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Advance Services, Inc. filed a timely appeal from a representative's decision dated October 5, 2015 (reference 05) which held claimant eligible to receive unemployment insurance benefits; finding that he left work on August 19, 2015 with good cause attributable to the employer. After due notice was provided, a telephone hearing was held on October 21, 2015. The claimant participated. The employer participated by Mr. Michael Payne, Risk Manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Rick Ecklin was employed by Advance Services for one day on August 19, 2015. Mr. Ecklin was assigned work by the temporary employment service at Yethi Coolers Company and was paid by the hour. The job position was quality control inspector. Mr. Ecklin had been informed that training would be provided by Yethi Coolers.

Mr. Ecklin left his employment on August 19, 2015 because he was being given little or no training by either Advance Services or Yethi Coolers. Mr. Ecklin left the assignment based upon his belief that he would soon be discharged because he did not know how to perform his duties because he was not given training as was agreed. The claimant's request for assistance was not heeded by a supervisor on duty and Mr. Ecklin was unaware that he needed to complain further with Advance Services before quitting.

REASONING AND CONCLUSIONS OF LAW:

The question in this case is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does.

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.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

In this matter, Mr. Ecklin left his employment with Advance Services, a temporary employment service, on August 19, 2015; the first day of his assignment as a quality control inspector at Yethi Coolers Company. The claimant had been given a job description of his duties as quality control inspector and had been promised that he would be provided training so that he could adequately perform his job and remain employed. When Mr. Ecklin reported to the assignment, the training was not available and no explanation was given to Mr. Ecklin about why he was not being provided training as promised. As the day progressed, a supervisor would from time to time point out defects in coolers that he had passed and other workers became impatient with Mr. Ecklin's inability to perform his job. The claimant's repeated requests for assistance at the Yethi Coolers facility went unheeded. He reasonably concluded that his job performance would be considered to be unacceptable and that he could do little or nothing to prevent his discharge from employment.

The claimant was unfamiliar with employment with the temporary employment services and did not know that he had the obligation to contact the temporary employment service about the training issue that Mr. Ecklin believed that the client employer was responsible for providing to him. The claimant had not worked for Advance Services before and did not know that the temporary employment service should be notified or that they would intervene on his behalf.

Based upon the unusual circumstances of this case, the administrative law judge concludes that the claimant has established good cause for leaving. Benefits are allowed, providing the claimant is otherwise eligible. The employer represented to Mr. Ecklin that he would receive training by the client employer and the training was not forthcoming as promised.

DECISION:

The representative's decision dated October 5, 2015 (reference 05) is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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