

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL D DRAVES**  
Claimant

**APPEAL NO. 10A-UI-17674-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON STAFFING COMPANY LC**  
Employer

**OC: 10/17/10  
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated December 17, 2010, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on February 8, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Margo Knight participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer as a laborer for Iowa Interstate Railroad from August 20, 2009, to October 12, 2009, and finished his temporary work assignment.

The claimant returned to work for the employer at Iowa Interstate Railroad from June 14, 2010, to September 14, 2010. He voluntarily quit employment after he failed to receive his paycheck due him on the prior Friday, September 10 and the supervisor at Iowa Interstate Railroad directed abusive profanity at him when he told the supervisor that he was going to leave until he got paid. The supervisor had directed abusive language at the claimant before, including threats of physical violence. The claimant had complained to the account manager with the employer before about this abusive treatment, but the treatment continued up until the claimant quit.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1 and 96.5-2-a. The employer's failure to pay wages when due and the treatment by the supervisor at the client

business after he had complained provided good cause attributable to the employer for the claimant to quit.

**DECISION:**

The unemployment insurance decision dated December 17, 2010, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs