

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANNY D MONTGOMERY
Claimant

APPEAL NO. 12A-UI-07188-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 11/20/11
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 6, 2012, reference 12, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 12, 2012. Claimant participated. Employer participated by Rhonda Hefter, human resource supervisor.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on April 20, 2012. Claimant was assigned to work for Alpha Express as a part-time cleaner. Claimant was told by the client that he was no longer needed. Claimant stopped coming to work because of the layoff notice. Claimant was reported as a no-call absence for three days in a row ending April 26, 2012. Claimant was let go for not being able to keep up.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when the client terminated the employment relationship because claimant was not fast enough. This is a separation for cause attributable to employer. Claimant's sworn testimony is more credible than the hearsay offered by employer. Where conflicts exist, the sworn testimony is accepted as correct. Benefits allowed because claimant was released from the assignment by the client.

Iowa Code section 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.

DECISION:

The decision of the representative dated June 6, 2012, reference 12, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw