

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

TANYA M GOETTE
Claimant

APPEAL NO. 18A-UI-03096-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK INC
Employer

OC: 05/21/17
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Tanya Goette filed a timely appeal from the March 5, 2018, reference 02, decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on the Benefits Bureau deputy's conclusion that Ms. Goette voluntarily quit on January 31, 2018 without good cause attributable to the employer. After due notice was issued, a hearing was held on April 2, 2018. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-03097-JTT. Ms. Goette participated. The employer did not register a telephone number for the hearing and did not participate. On March 27, 2018, the employer submitted written notice that the employer waived its right to participate in the appeal hearing. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether Ms. Goette separated from Aerotek, Inc. for a reason that disqualifies her for unemployment insurance benefits or that relieves the employer of liability for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Aerotek, Inc. is a temporary employment agency. Tanya Goette began her employment with Aerotek in January 2018 and performed work in a full-time temporary work assignment at Parker Hannifin Corporation in Hiawatha. An Aerotek representative, Tiffany (last name unknown), was Ms. Goette's primary contact at Aerotek. When Tiffany offered the assignment at Parker Hannifin, she told Ms. Goette that it would involve working with hoses. Tiffany did not have additional information concerning the specifics of work duties. Ms. Goette started the assignment on January 18, 2018. Parker Hannifin assigned Ms. Goette to pressure test and rinse hoses. Parker Hannifin had Ms. Goette perform this work in a back room. Because Parker Hannifin did not assign any other workers to work in that room, Ms. Goette felt isolated. Ms. Goette's scheduled hours in the assignment were 2:00 p.m. to 10:00 or 10:30 p.m., Monday through Friday. Parker Hannifin provided Ms. Goette with a 15-minute break two hours into her shift, a 30-minute lunch break midway through her shift, and another 15-minute break a couple hours after the lunch break. Ms. Goette had to keep track of when it was time to go on break

because she could not hear the bell that signaled break time and no one came to her room to alert her it was time to go on break. Ms. Goette performed the same work from January 18 until Wednesday, January 31, 2018. Ms. Goette did not know who her supervisor was and did not know to whom she should speak about her dissatisfaction with her work environment.

On January 31, 2018, Ms. Goette left before the end of her shift. Ms. Goette left at that time because she needed to accompany her daughter to the hospital. Ms. Goette's daughter suffered a serious back injury five years ago and was experiencing back spasms on January 31, 2018. Ms. Goette notified a lead worker of her need to leave work early and the lead worker approved Ms. Goette's early departure that day.

Ms. Goette elected not to return to the Parker Hannifin assignment. Ms. Goette did not complete the assignment. Ms. Goette made multiple attempts to contact Tiffany at Aerotek before she was able to speak with Tiffany about her dissatisfaction with the work environment at Parker Hannifin. At that time, Tiffany told Ms. Goette that since she had chosen to leave the assignment, Aerotek would not be able to place her in additional work assignments.

Ms. Goette established an additional claim for unemployment insurance benefits that was deemed effective January 28, 2018.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

- (21) The claimant left because of dissatisfaction with the work environment.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record establishes a voluntary quit without good cause attributable to the employer. Ms. Goette voluntarily left the Parker Hannifin assignment and the employment with Aerotek effective January 31, 2018 due to dissatisfaction with the work environment at Parker Hannifin. The weight of the evidence does not support Ms. Goette's assertion that work environment at Parker Hannifin was hostile or discriminatory. Though the work environment was not to Ms. Goette's liking, the evidence does not establish intolerable and/or detrimental working conditions that would have compelled a reasonable person to leave the employment. See Iowa Administrative Code rule 871-24.26(4).

Because the voluntarily quit was without good cause attributable to the employer, Ms. Goette is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Ms. Goette must meet all other eligibility requirements. The employer's account shall not be charged.

DECISION:

The March 5, 2018, reference 02, decision is affirmed. The claimant voluntarily quit the employment effective January 31, 2018 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs