

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT K AUTEN
Claimant

APPEAL NO. 10A-UI-01711-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES - MARSHALLTOWN
Employer

**Original Claim: 02/22/09
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Scott Auten, filed an appeal from a decision dated January 21, 2010, reference 06. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 12, 2010. The claimant participated on his own behalf. The employer, Temp Associates, participated by Manager Nancy Mullaney.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Scott Auten was employed by Temp Associates from August 25, 2009 until October 26, 2009. His last assignment began on September 29, 2009 at Montezuma Manufacturing. It was a long-term assignment of indefinite duration.

The claimant's last day of work was October 19, 2009. He called in absent due to illness on October 20 and 21, 2009, and was no-call/no-show after that. His account manager, Art Heinzer, left a voice mail message for him on October 26, 2009, asking if he intended to return to work. When the claimant called back later that day, he said he was quitting. He did not like the supervisors.

The assignment at the client company is on-going for the temporary workers as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(22) 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:

(22) The claimant left because of a personality conflict with the supervisor.

The claimant quit his assignment and his employment with Temp Associates because he did not like the work environment or the supervisor. He did not keep in contact with the employer to request more work after being no-call/no-show to work at his assignment for three days. In addition, he did not contact the employer to request another assignment within three days of him quitting his current assignment to request more work.

DECISION:

The representative's decision of January 21, 2010, reference 06, is affirmed. Scott Auten is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw