

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DAVID L VODICKA  
511 E VALLEY  
RED OAK IA 51566

PROFESSIONAL RESOURCES INC  
512 N 4<sup>TH</sup> ST  
RED OAK IA 51566

Appeal Number: 05A-UI-08997-DWT  
OC: 07/31/05 R: 01  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

David L. Vodicka (claimant) appealed a representative's August 24, 2005 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Professional Resources, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 19, 2005. The claimant participated in the hearing. Monica Bartlett, the staffing coordinator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The employer assigns individuals to business clients on a temp-to-hire basis. On April 13, 2005, the employer assigned the claimant to a temp-to-hire position at Traco.

After the claimant reported to the employer that Traco employees were harassing him on May 31, the employer talked to Traco about this problem. To resolve this issue the claimant was assigned to another department at Traco on June 2. On June 7, 2005, the claimant quit this job assignment because wanted to be transferred to Traco's shipping department and was not.

The only job the employer had available for the claimant after he quit was a part-time assignment. The claimant declined the offer of part-time work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant voluntarily quit the job assignment with Traco. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant quits without good cause when he leaves employment because he does not like the work environment. 871 IAC 24.25(21). The claimant established personal reasons for quitting his employment. The claimant's reasons for quitting do not constitute good cause for unemployment insurance purposes. As of July 31, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 24, 2005 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 31, 2005. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/kjw