

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMBER E SMITHART**  
Claimant

**APPEAL NO: 12A-UI-13288-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MIDWEST PROFESSIONAL STAFFING LLC**  
Employer

**OC: 11/13/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 5, 2012 determination (reference 10) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Karena Steir appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The employer is a staffing agency. The claimant started working for one of the employer's clients, Members Group, on August 13, 2012. This was a full-time, long-term assignment.

The employee who trained the claimant went to Mexico after the claimant completed her training. While her trainer was in Mexico, the claimant understood she could ask other employees questions. When the claimant asked questions, employees responded by telling her she had not been listening in her training, she should have learned that in training and she should not be asking questions that she asked. The claimant considered the employees' comments as harassment.

In early or mid-September the claimant talked to Kelly, the employee who placed the claimant at Members Group. The claimant told Kelly she did not feel comfortable working at Members Group. Kelly asked the claimant to give the job some time. While the claimant believed the work environment improved for about a week, she again felt uncomfortable when co-workers made comments that she could not do the job because of the questions she asked. The claimant's manager or supervisor did not make this comment.

When the claimant's trainer returned, the claimant talked to her. The trainer agreed the claimant needed more training but did not know when she could take more training.

On September 26, the claimant contacted Kelly and told her she could not go back to the assignment because she felt harassed and did not feel comfortable working at the assignment because of conflict in her assigned department. The claimant did not return to the assignment at Members Group after September 26.

The employer assigned the claimant to another job that began on October 16, but the claimant did not accept the assignment.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). Even though the claimant felt uncomfortable when co-workers made comments that her questions should have been answered during her training, the evidence does not establish employees harassed the claimant. Instead, the claimant needed additional training which the client agreed she needed.

The claimant quit because she did not like the work environment. This reason does not establish that she quit for a reason that qualifies her to receive benefits. 871 IAC 24.25(21). As of September 23, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's November 5, 2012 determination (reference 10) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 23, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css