

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

DONALD D DISBROW JR
2303½ HUBBELL AVE
DES MOINES IA 50317

MANPOWER INC OF DM
517 – 5TH AVE
DES MOINES IA 50309

Appeal Number: 04A-UI-11562-SWT
OC: 09/12/04 R: 02
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 18, 2004, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 22, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Reagen Petterson participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from October 24, 2003, to May 24, 2004. He was working on an assignment as an electronics assembler with Gifford-Brown, which was an assignment with no definite ending date.

The claimant called the employer on May 24 and asked to take a week off for personal reasons. He was granted the time off. He called again on June 2, 2004, and said he needed to take more time off because of serious personal issues. The claimant was informed that he should call when he was ready to return to work and the employer would see if there were any openings at that time.

The claimant never returned to work or had any further contact with the employer. He was suffering from back problems and other problems not attributable to the employer. He began receiving a pension and decided to quit employment with the employer.

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 12, 2004. When the claimant contacted the Agency, it was just to get wage information to apply for medical assistance, but he applied for benefits after a representative informed him that he had sufficient wages to qualify for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The unemployment insurance law provides that individual is qualified to receive benefits if he: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that he needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but his regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d.

The claimant has not satisfied the conditions of Iowa Code § 96.5-1-d. There is no evidence that he received advice from a health professional before he decided to quit. His reasons for quitting were not cause by the employer.

DECISION:

The unemployment insurance decision dated October 18, 2004, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/tjc