

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE L OLTMAN**  
Claimant

**APPEAL NO: 12A-UI-02257-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ROBERT HALF CORPORATION**  
Employer

**OC: 04/17/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Julie L. Oltman (claimant) appealed a representative's March 2, 2012 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Robert Half Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 21, 2012. The claimant participated in the hearing. Richard Hammel 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 for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant began taking assignments with the employer on June 3, 2009. Her second assignment began on July 7, 2011. She worked full time as an accounts receivable clerk at the employer's Coralville, Iowa, business client. Her last day on the assignment was December 16, 2011. The assignment ended because the claimant gave notice on December 5, 2011 that she was leaving the assignment.

The assignment was structured to be a temp-to-hire position, with the candidate being eligible for hire with the business client after six months. The claimant had received several verbal counselings from the business client indicating that while her work quality was good, the number of calls she was handling was less than the quantity the business client expected. The business client had not made a decision as to what would occur with the claimant's assignment at the end of the six-month period, due to expire on or about January 7, 2012; it could have ended the assignment, hired the claimant, or extended the assignment for an additional assessment

period. Continued work was available for the claimant with the business client after December 16, 2011 for an undetermined length of time.

The claimant concluded that given her inability to achieve the quantity of calls desired by the business client, it was unlikely that the business client was going to offer her a permanent position. Also, she felt that knowing and being reminded that she was not making the desired number of calls was causing her undue stress. Further, the claimant had married in October 2011 and moved to another area, and so rather than driving about an hour each way for work, she was driving about an hour and ten minutes. As a result of these factors, she decided it would be best for her to end the assignment on her own, and so tendered her resignation.

The claimant established an unemployment insurance benefit year effective April 17, 2011. After the separation, she reopened the claim with an additional claim effective January 1, 2012.

#### **REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). Quitting because of a belief that the person's job performance is unsatisfactory, but where continued work remains available and the person has not been told she is discharged, is not good cause for leaving. 871 IAC 24.25(33). Leaving because of a move to another area to be with a spouse and because of the increased commuting time or distance is not a good cause attributable to the employer. 871 IAC 24.25(2), (10), (30).

The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. A person who quits employment without good cause attributable to the employer must be disqualified from further benefits even if that person has given up unemployment insurance benefits to accept the work which was then considered unsuitable. *Taylor v. Iowa Department of Job Service*, 362 N.W.2d 534 (Iowa 1985). Benefits are denied.

**DECISION:**

The representative's March 2, 2012 decision (reference 02) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of December 16, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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