

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GUY W NEVINS
Claimant

APPEAL NO: 11A-UI-04789-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 02/06/11
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's March 30, 2011 determination (reference 04) that held the claimant qualified to receive benefits and the employer's account subject to charge because he had voluntarily quit his assignment for reasons that qualify him to receive benefits. The claimant participated in the hearing. Erin Platts, the director of operations, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his assignment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The employer, a temporary staffing firm, assigned the claimant to work at Helena Industries. The claimant's job required him to package chemicals, such as Roundup. The job also required him to wear a hard hat.

After the claimant worked on Saturday, January 29, 2011, he noticed a rash on his face and neck. As the weekend progressed, the rash became worse. During that weekend, the claimant called the employer to report he had developed a rash while working at the assignment. On Monday morning, the claimant called the employer to report he still had the rash and was unable to work. The claimant could not wear a hard hat when he had the rash.

The claimant went to a doctor and learned he had contact dermatitis. The claimant received a steroid cream to put on the rash. He could not wear a hardhat for two weeks because the hat would have irritated the rash on his forehead.

When the claimant talked to the employer on Monday, January 31, 2011, the employer did not have another job to assign to the claimant. The claimant has called in weekly to let the

employer know he is available for work. The employer has not assigned the claimant to another assignment.

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. Iowa Code § 96.5(1). When a claimant leaves employment, he has the burden to establish he has left for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily leaves employment with good cause when he leaves because of detrimental working conditions. 871 IAC 24.26(4). As a result of the claimant's allergic reaction to the chemicals he handled at Helena Industries, he established good cause for ending that assignment early.

Even though the claimant had an allergic reaction to the chemicals he worked with at Helena Industries, he established he is able to and available to work at other jobs. He timely contacted the employer for another job assignment, but as of May 9, the employer had not assigned him another job. For unemployment insurance purposes, the claimant has established he is able to and available for work as of February 6, 2011. Iowa Code § 96.4(3).

DECISION:

The representative's March 30, 2011 determination (reference 04) is affirmed. The claimant voluntarily left a job assignment early because of an allergic reaction he had with the chemicals at this assignment. The claimant timely requested another assignment and established that he is able to and available for other work. As of February 6, 2011, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs