

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES L ROBERTS
Claimant

APPEAL NO. 13A-UI-09349-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 07/28/13
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated August 9, 2013, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on August 20, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Colleen McGuinty participated in the hearing on behalf of the employer with a witness, Tammy Teel. The hearing was originally scheduled on the employer's appeal of a decision dated July 11, 2013, reference 05, that concluded the claimant was not disqualified for refusing work (13A-UI-08333-SWT). The parties agreed that evidence could be taken at that hearing and a decision issued also on the employer's appeal of the decision dated August 9, 2013, reference 01, which had been scheduled for a hearing on September 18.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant started working for the employer in March 2011. He was on a long-term assignment

The claimant worked on a full-time work assignment at County Materials Corporation from July 5 to July 10, 2013. County Material Corporation manufactures concrete pipe, culverts, manhole covers, and other concrete products.

The job involved working outside working with concrete products in hot weather conditions. The work caused the claimant to become sick everyday he worked there. He felt weak, nauseous, and lightheaded. Part of the work involved working inside concrete tubes and using a drill. While he was performing that work, he felt like he was not able to get enough air. He felt he was going to pass out or vomit.

When the claimant reported what was happening to the staffing representative, she informed him that he could resign from the job and the employer would find him another assignment. The claimant resigned from the job because working conditions were detrimental.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code section 96.5-1.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant's testimony about the detrimental effect that working on the assignment with County Material Corporation. The claimant acted reasonably in informing the staffing representative that work was detrimental. He was told that he would have to resign from his current assignment to get another assignment. Good cause attributable to the employer has been established in this case.

DECISION:

The unemployment insurance decision dated August 9, 2013, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css