

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

DANIEL CURADO
1877 STAGECOACH LN
MUSCATINE IA 52761

TEAM STAFFING SOLUTIONS INC
116 HARRISON ST
MUSCATINE IA 52761

Appeal Number: 05A-UI-05163-AT
OC: 04-03-05 R: 04
Claimant: Respondent (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:

Team Staffing Solutions, Inc. filed a timely appeal from an unemployment insurance decision dated May 3, 2005 reference 01 which allowed benefits to Daniel Curado. After due notice was issued, a telephone hearing was held June 1, 2005 with Mr. Curado participating. Operations Manager Nick Black and Account Manager Mary Kirchner participated for the employer. Exhibit A was admitted into evidence.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Daniel Curado was employed by Team Staffing Solutions, Inc. from July 26, 2004 until March 23, 2005. He worked on assignment for BT Prime Mover. Mr. Curado left the assignment voluntarily.

On March 23, 2005, Mr. Curado spoke with BT Prime Mover management about becoming a full time regular employee of that firm. The company expressed concern because Mr. Curado had missed three and one-half days of work in the previous eight months because of his child's illness. Mr. Curado's son suffers from cerebral palsy. When speaking about the interview with Account Manager Mary Kirchner of Team Staffing Solutions, Ms. Kirchner said that BT Prime Mover's human resources manager had said that his company could not afford another employee with "family problems." Mr. Curado then asked to be reassigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Curado had good cause attributable to the employer to leave the assignment with Team Staffing Solutions. The administrative law judge concludes that he did.

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 evidence in this record persuades the administrative law judge that BT Prime Movers created an intolerable and detrimental working condition by its comments concerning Mr. Curado's attendance and the health of his son. It appears from the evidence that Mr. Curado's attendance was reasonable given his family situation and that BT Prime Mover's attitude was one of unconcern. Benefits are allowed.

DECISION:

The unemployment insurance decision dated May 3, 2005 reference 01 is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

sc/pjs