

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL J HACKER
Claimant

APPEAL NO. 12A-UI-07252-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION STAFFING LLC
Employer

**OC: 06/26/11
Claimant: Appellant (4)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Michael Hacker, filed an appeal from a decision dated June 14, 2012, reference 06. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 13, 2012. The claimant participated on his own behalf. The employer, Spherion Staffing, participated by Staffing Consultant Victoria Spain.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Michael Hacker was employed by Spherion Staffing from July 13, 2011 until June 11, 2012. He had been assigned to Heinz from July 2011 until May 2012, then recalled for another assignment there beginning June 8, 2012, as a fork truck operator.

When he arrived, the Heinz supervisor took him in to the office, where he was chastised for a number of things over which he had little or no control. The supervisor ended with the comment he was not sure whether he wanted Mr. Hacker to keep working there, but did eventually send him to his duties. Instead of a fork truck, he was moving pallets of product with a hand operated pallet jack.

On June 11, 2012, a Heinz employee told him it was likely the supervisor was going to dismiss him. Mr. Hacker contacted Staffing Consultant Victoria Spain and she said she would try to find something else for him. She set up an appointment for an interview but did not give him directions to the client company because the Spherion staff had had to leave the office. By the time she was able to get back to him, he had already notified her he was leaving the assignment himself. On June 14, 2012, he notified her he had found a regular, permanent part-time job.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-a 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. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant quit the assignment because the work environment at the client company was hostile due to the comments and actions of the Heinz supervisor. Spherion does not dismiss employees if they leave an assignment for good cause and notify the staffing consultant. The employer was willing to find more work for Mr. Hacker, but he found a job on his own and resigned effective June 14, 2012, to accept the new job. His quit was for the purpose of accepting new employment, which he did accept. The claimant is requalified under the provisions of the above Code section.

DECISION:

The representative's decision of June 14, 2012, reference 06, is modified in favor of the appellant. Michael Hacker is qualified for benefits, provided he is otherwise eligible. The account of Spherion shall not be charged with benefits paid to the claimant after June 14, 2012.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw