

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES D WATKINS

Claimant

APPEAL NO: 11A-UI-01440-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL

Employer

OC: 12/05/10

Claimant: Appellant (4)

871 IAC 24.1(113)a – Temporary Lay-off

Section 96.5-1 – Voluntary Quit

871 IAC 24.25(21) – Dissatisfaction of the Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 27, 2011, reference 02 ,that held he voluntarily quit employment without good cause on January 3, 2011, and benefits are denied. A telephone hearing was held on March 9, 2011. The claimant did not participate. Cyd Hall, Office Manager, participated for the employer.

ISSUES:

Whether claimant was temporarily laid off.

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked an assignment at Fruedenburgs from March 25, 2010 to December 3. The claimant was temporarily laid off because the employer had no other assignment to offer him at that time.

Claimant accepted a job assignment at Roseboom Machine & Tool (RMT) beginning December 13. The claimant called in absences due to illness on December 29 and 30. He was a no-call/no-show to work on the morning of January 3, 2011. He called later that afternoon to advise the employer he was quitting because he did not like the job.

Claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The administrative law judge concludes the claimant was temporarily laid-off when he completed his assignment on December 3, 2010.

The employer had no work available to offer claimant at the time of his layoff. He later began work on a new assignment on December 13. Claimant is eligible for benefits the week ending December 11, 2010.

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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on January 3, 2011 due to job dissatisfaction.

The claimant quit without notice to the employer, because he did not like the job. While his quitting is for a good personal reason, it is not with good cause attributable to the employer.

DECISION:

The department decision dated January 27, 2011, reference 02 is, modified. Claimant was laid-off on December 3, 2010, and is eligible for benefits the week ending December 11. The claimant voluntarily quit without good cause attributable to the employer on January 3, 2011. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css