

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JONI K MCDONNELL
Claimant

APPEAL NO. 14A-UI-02202-VS

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 01/26/14
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated February 20, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on April 1, 2014, in Davenport, Iowa. The claimant participated personally. The employer did not show up for the hearing and did not participate. The record consists of the testimony of Joni McDonnell.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the hearing.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant accepted a temporary assignment in the purchasing department of ADM Processing. The claimant thought that the job would be a receptionist job. The job actually involved preparing a spread sheet for the purchase of safety equipment, something the claimant did not anticipate when she took the job. She started the assignment on January 16, 2014, and quit the assignment on January 24, 2014. She asked for another assignment within three working days of the end of the assignment.

REASONING AND CONCLUSIONS OF LAW:

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant is eligible for unemployment insurance benefits. The claimant quit her job for good cause attributable to the employer. The claimant thought she was accepting a receptionist's job. Her prior work history had been as a receptionist. The job was actually a purchasing clerk job. The claimant did not have the work experience for this type of job. She asked to end the assignment and requested another assignment. Since the employer did not accurately describe the job to the claimant, the claimant quit her job for good cause attributable to the employer. Benefits are allowed if the claimant is otherwise eligible.

DECISION:

The decision of the representative dated February 20, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs