

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNN LINDQUIST
Claimant

APPEAL NO. 16A-UI-10080-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK INC
Employer

OC: 07/17/16
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Lynn Lindquist (claimant) appealed a representative's September 9, 2016, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits due to her separation from work with Aerotek (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 30, 2016. The claimant participated personally. The employer notified the administrative law judge that it would not participate in the hearing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment service. She signed a document indicating she was to contact the employer within three days following the completion of an assignment to request placement in a new assignment. The claimant was not given a copy of the document which was separate from the contract for hire.

The claimant had an interview to work for Star Equipment. The employer told her it was a way to try a job. She did not have to keep it if she did not like it and it would not affect her unemployment insurance benefits. At the interview she told Star Equipment that she did not want to work at a place where she had to pretend to be busy. She wanted to be busy all the time. The claimant was promised in the interview that she would have so much work that she would probably be behind. The claimant accepted the assignment of full-time warranty clerk and started work on August 9, 2016. She did not have any work to do for three hours of her eight hour shift. Star Equipment was struggling to have things for her to do. The claimant thought that Star Equipment hired a full-time person to perform part-time work.

The claimant called the employer and ended her last assignment on August 9, 2016, and sought reassignment from the employer. Nothing was available for the claimant until September 26, 2016. The claimant started a new assignment on September 26, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Admin. Code r. 871-24.26(23) 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:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work.

When an employee quits work because the type of work was misrepresented to her when she accepted the assignment, her leaving is with good cause attributable to the employer. The claimant left work because she was not told what duties the job entailed. Her leaving was with good cause attributable to the employer. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits, provided she is otherwise eligible.

DECISION:

The representative's September 9, 2016, decision (reference 03) is reversed. The claimant is eligible to receive unemployment insurance benefits, provided she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs