

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAUNEH GLAHN**

Claimant

**APPEAL NO: 11A-UI-05848-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**

Employer

**OC: 03/27/11**

**Claimant: Appellant (1)**

Section 96.5-1-j – Temporary Employment  
871 IAC 24.26(15) – Temporary Employment  
Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Launeh Glahn (claimant) appealed a representative's April 29, 2011 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Team Staffing Solutions, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 31, 2011. The claimant participated in the hearing. Sarah Fiedler appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. The claimant's first and to date only assignment with the employer began on June 9, 2011. She worked part time as an on-call production laborer in an on-going assignment at the employer's Muscatine, Iowa business client. The claimant was also enrolled in school, so the employer would call her as needed on a day-to-day basis. In the fall semester she had worked until September 8, and then had not been available for work until December 14. She primarily worked on the second and third shifts; on January 27 she had advised the employer that she was only available for third shifts. Sometime in early February she then indicated to the employer that her school schedule would not end until the end of May, and she would not be available for additional shifts until that point. Her last day of work was the shift on the evening of February 15, 2011. She did not complete the entire shift that day, only working about 5.75 hours.

At 4:30 a.m. on February 16 the business client informed the employer that the claimant had not completed her shift that had begun on February 15 and wanted the employer to explore the situation. The employer called the claimant on both February 16 and February 17, but the claimant did not respond. She also did not recontact the employer regarding reassignment,

presumably because she was not available for work until the end of May due to her school schedule. Continued work on the assignment had been available to her if she had made herself available and contacted the employer.

#### **REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

An employee of a temporary employment firm who has been given proper notice of the requirement can be deemed to have voluntarily quit her employment with the employer if she fails to contact the employer within three business days of the ending of the assignment in order to notify the employer of the ending of the assignment and to seek reassignment. Iowa Code § 96.5-1-j. Here the claimant did not complete the assignment and did not seek reassignment.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The intent to quit can be inferred in certain circumstances. For example, failing to report for available work is considered to be a voluntary quit. 871 IAC 24.25(27). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant effectively quit because of the conflict with her school schedule. While this was a good personal reason, it is not a reason attributable to the employer and is disqualifying. 871 IAC 24.25(26). The claimant has not satisfied her burden. Benefits are denied.

#### **DECISION:**

The representative's April 29, 2011 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of February 15, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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