

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>TOM R TETRAULT</b> Claimant	<b>APPEAL NO. 07A-UI-06630-H2T</b>
<b>KELLY SERVICES INC</b> Employer	<b>ADMINISTRATIVE LAW JUDGE DECISION</b>
<b>OC: 06-25-06 R: 02</b> <b>Claimant: Appellant (1)</b>	

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 25, 2007, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on July 31, 2007. The claimant did participate. The employer did participate through Kim Garrard, Staffing Supervisor.

**ISSUE:**

Did the claimant voluntarily quit his employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was last assigned to work as a Kraft production worker part time beginning May 13, 2007 through June 5, 2007 when he voluntarily quit. The claimant quit because he did not feel he was getting enough hours. The claimant requested a leave of absence for a non-work-related injury which was granted from April 3 through May 4, 2007. The claimant worked part time and was self scheduling his own hours through a phone system. The claimant controlled how many hours he worked by calling in for the assignment. When the claimant quit his assignment at Kraft he did not return to Kelly Services for another assignment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. *Cobb v. Employment Appeal Bd.*, 506 N.W.2d 445 (Iowa 1993).

The claimant was not guaranteed any particular number of hours at Kraft and through self scheduling could control how many hours he worked at the Kraft assignment. The claimant was on a voluntarily layoff due to a non-work-related injury which reduced his hours for a period of time from April to early May. The claimant did not return to Kelly Services and ask for an additional assignment after quitting the Kraft assignment. The claimant has not established that his voluntary quit of Kraft and Kelly Services was with good cause reasons attributable to the employer. Benefits are denied.

**DECISION:**

The June 25, 2007, reference 03, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/pjs