

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LATIESHA M HARRIS
Claimant

APPEAL NO. 13A-UI-08752-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC
Employer

OC: 06/16/13
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Latiesha Harris filed a timely appeal from the July 17, 2013, reference 04, decision that denied benefits in connection with a June 17, 2013 separation from DES Staffing Services, Inc. After due notice was issued, a hearing was held on September 4, 2013. Ms. Harris participated. Stacy Navarro represented the employer and presented additional testimony through Stephanie Overbeck.

ISSUE:

Whether Ms. Harris separated from the employer on June 19, 2013 for a reason that disqualifies her for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: DES Staffing Services, Inc., is a temporary employment agency. Latiesha Harris started getting work through DES in 2010. Ms. Harris last performed work for the employer in a full-time assignment at Thomas L. Cardella that started on June 18, 2013. The shift that day was supposed to run from 9:00 a.m. to 8:00 p.m. Ms. Harris had accepted the assignment at Thomas L. Cardella on short notice and notified the employer at the time she accepted the assignment that she could not stay the full length of the shift on June 18, 2013. Ms. Harris relies on public transportation and had to catch the last bus at or about 5:00 p.m. Ms. Harris worked in the assignment from 9:00 a.m. to approximately 4:00 p.m. on June 18, 2013. Ms. Harris did not complete the assignment, which was intended to last more than one day.

On June 19, 2013, Ms. Harris contacted DES Staffing Services Operations Manager Stephanie Overbeck. The pair entered into a discussion about Ms. Harris' availability for work. Ms. Harris told Ms. Overbeck that she could not continue in the assignment, and was not available for ongoing work because she had filed for unemployment insurance benefits and did not want to hinder her ability to obtain unemployment insurance benefits. Ms. Overbeck chastised Ms. Harris for choosing to receive unemployment insurance benefits over being available for work. Ms. Overbeck told Ms. Harris that she would place her on the inactive list.

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.

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 evidence in the record indicates that Ms. Harris voluntarily quit the full-time assignment because she wanted to receive unemployment insurance benefits rather than work. Ms. Harris voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Harris is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Harris for the period on or after June 19, 2013.

DECISION:

The agency representatives July 17, 2013, reference 04, decision is affirmed. The claimant voluntarily quit the employment on June 19, 2013 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in a been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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