

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA J SULLIVAN
Claimant

APPEAL NO. 07A-UI-03960-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 01/21/07 R: 03
Claimant: Appellant (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Melissa Sullivan, filed an appeal from a decision dated April 9, 2007, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 2, 2007. The claimant participated on her own behalf. The employer, Express Services, participated by Staffing Consultant Lisa Franzmeier.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Melissa Sullivan was employed by Express Services from October 23, 2006 until January 24, 2007. During that time she had one assignment at Principal Financial which was a temp-to-hire position. On January 24, 2007, the client contacted Express Services and asked that the claimant be removed from the assignment. Her productivity was low and she was not “catching on” as fast as the client wanted.

Ms. Sullivan was notified by the employer that the assignment was over and she did request more work.

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.

The claimant did not quit but was removed from the assignment at Principal Financial at the request of the client due to low productivity. This is not a voluntary quit nor is it a discharge for misconduct. Disqualification may not be imposed.

DECISION:

The representative's decision of April 9, 2007, reference 02, is reversed. Melissa Sullivan is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css