

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA A MONROE
Claimant

APPEAL NO. 08A-UI-02944-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS
Employer

OC: 12/23/07 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Debra Monroe filed an appeal from a representative's decision dated March 18, 2008, reference 02, which denied benefits based upon her separation from Manpower of Cedar Rapids. After due notice was issued, a telephone hearing was conducted on April 9, 2008. Ms. Monroe participated personally. Participating as a witness for the claimant was her husband, Terry Monroe. The employer participated by Debra Chamberlain and Erica Murillo.

ISSUE:

The issue in this matter is whether Ms. Monroe quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant last worked for this employer from July 31, 2007, until December 4, 2007, as a production worker assigned to work at Dura Automotive Company. Ms. Monroe was employed full time and was paid by the hour.

Ms. Monroe quit her employment by stating to her contact person at Manpower of Cedar Rapids, Ms. Murillo, that she "was not being trained adequately and wanted to move on." Ms. Monroe did not report back to the long-term assignment at Dura Automotive the next working day or thereafter. Although the claimant felt that she was not adequately trained, Dura Automotive had expressed no concerns about the claimant's work performance and work continued to be available to the claimant under the same hours and wages contemplated in the original agreement of hire. No other work was available to the claimant at the time that she quit her ongoing long-term assignment that continued to be available to her.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence establishes that the claimant quit her employment with good cause for reasons that were attributable to the employer. It does not.

The evidence in the record establishes that Ms. Monroe had been assigned to Dura Automotive on a long-term, full-time assignment. After approximately four months of employment, the claimant's statements and actions clearly indicated her desire to relinquish her position because she felt that she was not being adequately trained by Dura Automotive. The evidence in the record establishes that work continued to be available to the claimant at the time of her leaving and that the employer had received no complaints or dissatisfaction from Dura Automotive with respect to Ms. Monroe's work or performance.

As the evidence clearly establishes that Ms. Monroe's intention was to quit her employment, both by her statements and her actions in failing to report back for scheduled work the next working day or thereafter, the administrative law judge must conclude that the claimant left employment for reasons that were not attributable to the employer. Work continued to be available to the claimant at the same work location at the same hours and pay as had been contemplated in the original agreement of hire. The claimant's employment was not in jeopardy at the time that she chose to leave.

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.

For the reasons stated herein, the administrative law judge concludes the claimant left employment for reasons that are disqualifying. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated March 18, 2008, reference 02, is hereby affirmed. The claimant voluntarily quit work under disqualifying conditions. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages equal to ten the claimant's weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw