

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

THOMAS D JENKINSON  
316 N I ST  
OSKALOOSA IA 52577-2073

TEAM STAFFING SOLUTIONS INC  
116 HARRISON ST  
MUSCATINE IA 52761

Appeal Number: 06A-UI-07445-DWT  
OC: 06/25/06 R: 03  
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the *Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.*

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Thomas D. Jenkinson (claimant) appealed a representative's July 19, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Team Staffing Solutions, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 9, 2006. The claimant responded to the hearing notice, but was not available to participate in the hearing. A message was left on the claimant's answering machine to contact the Appeals Section immediately, if he planned to participate in the hearing. The claimant did not contact the Appeals Section again. Bill Ramsey and Mary Kirchner, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on March 31, 2004. The employer assigned the claimant to a job working as a warehouse delivery person. The claimant worked at this job assignment throughout his employment.

On April 14, 2006, the claimant informed the employer he was quitting effective immediately because he had another job lined up and was moving to Oskaloosa. If the claimant had not submitted his resignation, there was continuing work for the claimant at his assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The facts establish the claimant quit his employment on April 14, 2006. The law presumes a claimant quits employment without good cause when he leaves employment to relocate to a different locality. 871 IAC 24.25(2). Since the claimant did not participate in the hearing, the facts do not establish he quit because he had accepted other employment. The evidence presented at the hearing indicates the claimant had compelling personal reasons for quitting, but the claimant quit for reasons that do not qualify him to receive unemployment insurance benefits. Therefore, as of June 25, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's July 19, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 25, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged for benefits paid to the claimant.

dlw/pjs