

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERRY W LUNSFORD
Claimant

APPEAL NO. 14A-UI-01683-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC
Employer

OC: 11/24/13
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 5, 2014, reference 03, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 6, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Marcie Porterfield participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at the Kraft plant from November 4, 2013, to January 3, 2014. He was hired to work 36 hours per week, but he was often sent home before the end of his shift so he was working part time averaging about 26 hours per week.

The claimant had to move out of the house where he was living because of problems with his roommate. He was not able to afford other housing so he moved to Texas to stay with his family while he looked for work. He provided notice to the employer that he was quitting to move. The assignment at Kraft had no definite ending date.

The claimant filed a new claim for unemployment insurance benefits effective November 24, 2013, due to a one-week layoff at Kraft Company. His claim was based on wages from full-time employment with Lazer Food Inc. and part-time job with Arbies. The employer is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

871 IAC 24.27 provides that a person who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The employer is not chargeable for benefits.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant's testimony that he was working an average of 26 hours per week.

The claimant voluntarily quit employment without good cause but the job was part time and his claim was based on wages from other employers. The claimant is qualified for unemployment insurance benefits, provided he is otherwise eligible. The employer's account will not be charged for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated February 5, 2014, reference 03, is reversed. The claimant is qualified for unemployment insurance benefits, provided he is otherwise eligible. The employer's account will not be charged for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css