

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRIDGETT HOLMES
Claimant

TEAM STAFFING SOLUTIONS INC
Employer

APPEAL NO. 14A-UI-11789-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/19/14
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 7, 2014, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 3, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Sarah Fiedler 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 accepted a full-time, long-term job working as a packager on an assignment at Quality Associates for a rate of pay of \$8 per hour.

The claimant worked one day on June 24, 2014, and decided that the work was too strenuous for her and she was unable to keep up with the pace of the work. She informed the employer on June 25 that she was not going to return to the assignment because she did not like the work. At the time she left, there was continuing work available to her at Quality Associates. The claimant's decision to quit was not based on advice from a doctor.

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.

The claimant quit employment because the work was too strenuous for her and she was unable to keep up with the pace of the work. There is no evidence that she quit based on a doctor's advice, which is required to qualify for benefits under Iowa Code § 96.5-1-d—the statute that covers voluntarily quits due to illness or injury. Likewise, the claimant has not shown competent evidence that conditions at work caused or aggravated a medical condition and made it

impossible for the claimant to continue in employment due to a serious health danger as required by 871 IAC 24.26(6)b—the rule that covers work-related medical conditions.

The Iowa Supreme Court has ruled even if a claimant gives up unemployment insurance benefits to accept employment that the claimant then considers unsuitable and leaves the job, the claimant has voluntarily quit employment without good cause attributable to the employer. Taylor v. Iowa Dep't of Job Services, 362 N.W.2d 534 (Iowa 1985).

The claimant in his case has voluntarily quit employment without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated November 7, 2014, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css