

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PAMELA J MANN**  
Claimant

**TEAM STAFFING SOLUTIONS INC**  
Employer

**APPEAL 15A-UI-10483-SC-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 08/23/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 16, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment without good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on October 1, 2015. Claimant Pamela Mann participated on her own behalf. Employer Team Staffing Solutions participated through human resources generalist, Sarah Fiedler.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a temporary general laborer with the employer's client Siemen's beginning March 19, 2015, and was separated from employment on July 24, 2015, when she quit. In May 2015, the claimant began to develop contact dermatitis which she believed was related to her work environment at Siemen's. She reported this to Eric Bartholomew who works for the employer. He asked her what she wanted to do and she stated she wanted to continue to work at Siemen's. The claimant took allergy pills and used allergy creams; however, she continued to experience breakouts. On July 24, 2015, the claimant told Bartholomew and her on-site supervisor that she was quitting her assignment. She did not request another assignment from Bartholomew as she believed she was no longer eligible for assignments based on her decision to quit. Bartholomew did not tell her she was ineligible for additional assignments. Had the claimant requested another assignment, continuing work was available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

On July 24, 2015, the claimant quit her assignment and her employment with the employer. It is reasonable that she quit the assignment as she believed it was an unsafe environment for her due to the dermatitis. However, she needs to show good cause for quitting her employment with the employer. She erroneously believed she was no longer eligible for additional assignments due to the way she quit her employment.

Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. Since the claimant did not follow up with management personnel or anyone else with the employer and her assumption of having been deemed ineligible for additional assignments, her failure to continue reporting to work was an abandonment of the job. The claimant has not met her burden of proof to show good cause for quitting her employment. Accordingly, benefits must be denied.

**DECISION:**

The September 16, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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