

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAUREN LORENZE

Claimant

APPEAL NO: 13A-UI-07021-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 12/16/12

Claimant: Appellant (1/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 4, 2013 determination (reference 03) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in part of the hearing. Rhonda Hefter, the human resource supervisor, and Jason Carberry, an assistant branch manager, appeared on the employer's behalf.

While the claimant was testifying, her phone dropped the phone connection. The administrative law judge immediately called the claimant's phone number to reconnect her to the hearing. The claimant did not answer, but the administrative law judge left a message for her to contact the Appeals Section immediately. The claimant did not contact the Appeals Section again. Even though the employer could not ask the claimant questions, the employer agreed to testify.

Based on the evidence that was presented during the hearing, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit an assignment for reasons that do not qualify her to receive benefits?

FINDINGS OF FACT:

The employer is a temporary staffing firm. When the claimant registered to work with the employer, she did not indicate she was unable to work third shift. The claimant accepted and completed a number of job assignments for the employer. The most recent assignment was a job the claimant had accepted for third shift after she completed the training. Training was done during first shift.

The claimant started the most recent job assignment on May 15, 2013. The claimant did not have a vehicle to get to work. When she was in training, her roommate who worked for this client took the claimant to work. The claimant asked if she could work first shift, instead of third

shift. The client did not have any positions available on first shift. On May 17, the claimant contacted the employer and reported she could not work third shift because of personal issues. The claimant did not work after May 17, 2013. There was continuing work for the claimant to do on third shift and she could still be working if she had worked the shift she had accepted.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant voluntarily quit when she informed the employer on May 17 she could not work third shift. The law presumes a claimant quits without good cause when she leaves because she does not like the shift she works or because she does not have transportation to work. 871 IAC 24.25(18) and (1).

The claimant established personal reasons for quitting, but since she accepted third shift she did not establish that she quit for reasons that qualify her to receive benefits. As of May 19, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 4, 2013 determination (reference 03) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. As of May 19, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

An issue of overpayment is **Remanded** to the Claims Section to determine if the claimant has been overpaid any benefits she may have received since May 19, 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css