

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUGUST B OLSEN
Claimant

MASTERTSON PERSONNEL INC
Employer

APPEAL 20A-UI-01897-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 12/29/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)J – VQ – Temporary employment firm
Iowa Admin. Code r. 871-24.25(26) – VQ – School

STATEMENT OF THE CASE:

Claimant filed an appeal from the February 21, 2020 (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on March 18, 2020, at 8:00 a.m. Claimant participated. Employer participated through Jim Robertson, Unemployment Operations Manager, and Maria Villegas, Recruiter. Employer's Exhibits 1 and 2 were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed by Mastertson Personnel, Inc., a temporary employment firm, from October 2, 2018 until his employment ended on January 31, 2020. Claimant's assignment during that time was as a full-time machine operator at Eaton, Inc. in Belmont, Iowa. On January 10, 2020, Eaton informed claimant that he would be laid-off effective January 31, 2020. Eaton informed employer that claimant's assignment was ending via email on January 27, 2020. (Exhibit 1)

Employer has a policy that requires employees to contact employer within three days of an assignment ending to request another assignment. Claimant signed and received a copy of the policy. Claimant did not contact employer to request a new job assignment within three days of his assignment ending. Employer contacted claimant on January 31, 2020 and offered claimant other assignments. Claimant declined another assignment because he planned to return to school.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit without good cause attributable to employer. Benefits are denied.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Iowa Code section 96.5(1)(j) provides:

An individual shall be disqualified for benefits

1. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

j. (1) The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

(2) To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

Iowa Admin. Code r. 871-24.25(26) 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 section 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 section 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:

(4) The claimant left to go to school.

Claimant's assignment at Eaton ended on January 31, 2020. Claimant did not request another assignment and denied assignments offered by employer. Claimant's actions are both evidence of his intention to sever the employment relationship and an overt act of carrying out his intention. Claimant voluntarily quit his employment in order to return to school and failed to

request a new assignment within three days. While claimant's reason for quitting his job is understandable, it is not attributable to employer. Claimant has not met his burden of proving he voluntarily quit his employment for good cause attributable to employer. Benefits are denied.

DECISION:

The February 21, 2020 (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Adrienne C. Williamson
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March 30, 2020
Decision Dated and Mailed

acw/scn