

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON R CREIGHTON
Claimant

APPEAL NO. 09A-UI-16194-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 06/28/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 8, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 2, 2009. Claimant participated. Employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Sharon Creighton.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer in this case is a temporary employment agency. The claimant applied for temporary work in May 2007 and in the latter part of the same month was given an assignment at the Muscular Dystrophy Association. She worked there until her assignment ended on August 21, 2009. The functions of that office were being transferred to Cedar Rapids from Cedar Falls and the claimant's job was already filled by someone in the Cedar Rapids office. The claimant requested another assignment from the employer after she found out that she was supposed to do so. The employer did not give the claimant a handbook or statement on what policies should be followed when an assignment ended.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The un rebutted testimony from the claimant established that she did not voluntarily quit her job but rather her assignment with Muscular Dystrophy ended. The job the claimant performed was transferred to Cedar Rapids, but the claimant was not given the opportunity to go to Cedar Rapids since her job was already filled by another person in that office. The claimant became unemployed because her assignment from the employer ended and not because she voluntarily quit her job. Benefits are awarded if the claimant is otherwise eligible.

DECISION:

The decision of the representative dated October 8, 2009, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs