

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

TROY A DONALDSON  
1103 UNIVERSITY PL #A  
BURLINGTON IA 52601

MANPOWER INC OF CEDAR RAPIDS  
1220 INDUSTRIAL AVE  
HIAWATHA IA 52233-1155

Appeal Number: 05A-UI-06488-CT  
OC: 05/22/05 R: 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Troy Donaldson filed an appeal from a representative's decision dated June 13, 2005, reference 01, which denied benefits based on his separation from Manpower, Inc. of Cedar Rapids. After due notice was issued, a hearing was held by telephone on July 11, 2005. Mr. Donaldson participated personally. The employer participated by Barbara Kotz, Assistant Risk Control Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Donaldson was employed by Manpower beginning

January 5, 2005 and was assigned to work at Winegard on a full-time basis. The assignment was expected to last nine months. On or about May 13, Mr. Donaldson became argumentative with a supervisor and referred to her as a "fat pig." When another supervisor spoke with him concerning the matter, Mr. Donaldson announced that he was leaving. Winegard notified Manpower that he had left work.

Mr. Donaldson subsequently worked for Manpower on May 23 and again on June 6, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Donaldson was separated from employment for any disqualifying reason. It appears that it was his decision to leave the assignment with Winegard. Where an individual, of his own accord, fails to complete a temporary work assignment, his separation is considered a voluntary quit. See 871 IAC 24.26(19). An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any good cause attributable to either Winegard or to Manpower for Mr. Donaldson's decision to quit. Mr. Donaldson left because he was being reprimanded for his conduct with the supervisor. An individual who leaves employment after being reprimanded is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(28).

Even if the administrative law judge were to conclude that Mr. Donaldson was discharged, he still would not be entitled to job insurance benefits. The discharge would have been triggered by the fact that he was argumentative with a supervisor and referred to her as a "fat pig." Such insubordinate conduct was clearly contrary to the type of behavior the employer had the right to expect. Therefore, if there was a discharge, it was for disqualifying misconduct.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Donaldson is not entitled to job insurance benefits because of his separation from Manpower on May 13, 2005. It is true that he has had two one-day assignments with Manpower after May 13. However, but for his conduct of May 13, he would still be employed with Winegard until approximately September of 2005.

#### DECISION:

The representative's decision dated June 13, 2005, reference 01, is hereby affirmed. Mr. Donaldson quit his employment with Manpower on May 13, 2005 for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/sc