

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANE M YEAGER
Claimant

APPEAL NO. 12A-UI-12919-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 06/10/12
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Claimant Shane Yeager filed a timely appeal from the October 18, 2012, reference 05, decision that denied benefits based on an agency conclusion that he had voluntarily quit employment on May 4, 2012. After due notice was issued, a hearing was held on November 30, 2012. Mr. Yeager participated. Sarah Fiedler, Claims Administrator, represented the employer. Exhibit One was received into evidence.

ISSUE:

Whether Mr. Yeager's May 2012 separation was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a temporary employment agency. On May 1, 2012, the employer placed Shane Yeager in what was meant to be a full-time, short-term, temporary work assignment at Cam II Warehouse in Muscatine. The assignment was to last a few weeks. The work hours were 7:00 a.m. to 3:30 p.m. The work assignment involved general labor in a warehouse environment. The work involved re-palletizing 45 pound bags of cat litter. Mr. Yeager was 21-years-old, in good health, with no illness, injury, or disability. On the day he started the assignment, Mr. Yeager contacted Team Staffing Solutions representative Jordan Woods to complain that he did not care for the work and wanted a different assignment. Mr. Yeager agreed to finish the short-term assignment while Team Staffing Solutions sought a new assignment for him. Despite that agreement, Mr. Yeager was then absent without contacting the employer on May 2, 3 and 4. Mr. Yeager subsequently made contact with the employer to request additional work, but the employer deemed him to have voluntarily quit the employment. The employer does not have a written policy concerning no-call/no-show absences being deemed a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

The weight of evidence establishes that the employer reasonably concluded Mr. Yeager had voluntarily quit the employment when he was absent three days without notifying the employer.

These absences occurred immediately after Mr. Yeager complained about the assignment, and after he had agreed to complete the assignment. The evidence establishes no reason why the warehouse work should have been intolerable or detrimental work for a healthy 21-year-old man. Mr. Yeager concedes there was no medical basis for ceasing his work in the assignment.

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.

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 evidence in the record indicates a voluntary quit, effective May 2, 2012, without good cause attributable to the employer. Effective May 2, 2012, Mr. Yeager was disqualified for benefits until he had worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account will not be charged for benefits disbursed in connection with the May 2, 2012 separation.

DECISION:

The Agency representative's October 18, 2012, reference 05, decision is affirmed. Effective May 2, 2012, the claimant voluntarily quit the employment without good cause attributable to the employer. Effective May 2, 2012, the claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits disbursed in connection with the May 2, 2012 separation.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css