

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

LOUISE MATTHEWS
1852 A AVE NE APT 4
CEDAR RAPIDS IA 52402

TEAM STAFFING SOLUTIONS INC
116 HARRISON ST
MUSCATINE IA 52761

Appeal Number: 05A-UI-02744-DWT
OC: 02/13/04 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Louise Matthews (claimant) appealed a representative's March 15, 2005 decision (reference 04) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Team Staffing Solutions, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 4, 2005. The claimant participated in the hearing. Michael Black, the human resource manager, appeared on the employer's behalf. Bill Ramsey observed the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer's business clients. The employer assigned the claimant to work at Quality Chef. Sometime prior to December 22, 2004, the claimant had surgery on her feet.

Prior to her separation, the claimant agreed to full time at Quality Chef. The claimant had problems with the work she was doing and concluded it was so hard a man should be assigned to the work instead of a woman. On December 22, the claimant gave the employer's on-site representative a two to four hours' notice that the work was too hard for her and she would have to leave work early or at 8:30 p.m. if the employer did not assign her to another job. The employer's representative did not immediately have another assignment for the claimant and asked the claimant to contact her again. The claimant left the assignment at Quality Chef at 8:30 p.m. and did not return. The claimant could have continued to work at this assignment.

The claimant had several personal issues she needed to resolve. The claimant did not get her personal issues resolved or under control until February 7, 2005, when she again contacted the employer to indicate she was again available for work. The claimant established a claim for unemployment insurance benefits during the week of February 13, 2005.

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. Since Quality Chef had continued work for the claimant to do, the claimant initiated her separation by leaving working early on December 22 and not returning to work after December 22, 2004. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

If a claimant quits for medical reasons, she must present competent information that continued employment may be hazardous to her health and she must inform the employer about her health concerns so the employer has an opportunity to make reasonable accommodations. 871 IAC 24.26(6)(b). Although the claimant asserted she had medical and personal issues, she failed to give the employer a reasonable opportunity to make accommodations or find her another job. The claimant gave the employer two to four hours' notice that she was leaving work at 8:30 p.m. Due to personal issues the claimant needed to address, she did not again contact the employer for over month. Under these facts, the claimant caused her unemployed status by quitting a job assignment and for not attempting to find another assignment within a reasonable time. As of February 13, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's March 15, 2005 decision (reference 04) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 13, 2005. 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.

dlw/pjs