

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIKE S EDWARDS

Claimant

APPEAL NO: 14A-UI-10847-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 09/14/14

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 14, 2014 determination (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated at the November 6 hearing with his witnesses, Robin Cole and Edwin Cole. Rhonda Hefter deSantisteban, the human resource manager, and Travis Thornberg, the branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that qualify him to receive benefits or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant completed an application to work for the employer's clients in November 2012. The claimant received a copy of a rule informing him that when he completed a job assignment, he was required to contact the employer within three working days for another assignment.

The employer did not assign the claimant to a job until February 2013. The most recent assignment at Thomas Cardella began on May 1, 2014. The last day the claimant worked at this assignment was May 20, 2014. The claimant's mother-in-law worked at Thomas Cardella also.

When the claimant worked at this assignment, he experienced some medical issues. The claimant passed out while working a number of times. The claimant's Thomas Cardella supervisor did not say anything to the claimant about his job being in jeopardy. The claimant's mother-in-law's supervisor told her that the claimant was not welcome at work and was not allowed on the property because he was a liability. She in turn told the claimant he no longer had a job at Thomas Cardella.

At some point, the claimant was hospitalized. The date he was hospitalized is not known. The employer does not have a record of the claimant contacting the employer in May or June about his assignment at Thomas Cardella or asking about another assignment. The employer learned the claimant was not working at the Thomas Cardella assignment from payroll records. Thomas Cardella noted the claimant had not called or reported to work on May 21, 22, or 23.

The claimant established a claim for benefits during the week of September 14, 2014. He did not contact the employer about another job until October 16, 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The facts indicated that before May 21, the claimant's assignment at Thomas Cardella was not in jeopardy. The claimant's supervisor had not given him any written warnings.

The claimant experienced some medical issues at work and he was frustrated by the way Thomas Cardella personnel reacted when he experienced medical issues. Even though the claimant was frustrated, his reliance on his mother-in-law's statement that her supervisor told her that he no longer had a job is not reasonable without checking out this statement with the employer. The claimant knew and understood that QPS was his employer. Even though the claimant asserted he contacted the employer's representative, Don Garcia in May, the employer's records do not support this assertion. It is difficult to remember when something happened over four months ago, so it is also possible the claimant did not contact Don Garcia as he testified he had. Based on the evidence presented in this case, the claimant relied on information from his mother-in-law that he did not verify. The claimant's failure to contact the employer about the status of his employment at Thomas Cardella establishes that he voluntarily quit this employment for reasons that do not qualify him to receive benefits. As of September 14, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's October 14, 2014 determination (reference 04) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. As of September 14, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs