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

MARLON P SIMS
Claimant

APPEAL NO. 12A-UI-08957-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 06/17/12
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated July 20, 2012, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 20, 2012. Claimant participated. Employer participated by Erin Johnston, Director of Operations. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 11, 2012. Claimant was let go by the client. Claimant immediately called the employer to ask for further assignment. No further work was offered.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when employer terminated the employment relationship because of a client layoff. Claimant's sworn testimony is more credible than the hearsay offered by employer. As such, claimant's testimony is found correct where conflicts exist. Benefits allowed.

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.

DECISION:

The decision of the representative dated July 20, 2012, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

_____
Marlon Mormann
Administrative Law Judge

_____
Decision Dated and Mailed

mdm/pjs