

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAIME INTERIAL
Claimant

APPEAL NO. 14A-UI-00806-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RJK INC
Employer

OC: 12/15/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated January 14, 2014, reference 02, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on February 13, 2014. The claimant participated. The employer participated by Mr. Mike Thomas, Operations Manager.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Mr. Jaime Interial was employed by RJK, Inc., a temporary employment firm, from February 15, 2012, until November 13, 2013 when he voluntarily left employment. During the time that the claimant was employed by RJK, Inc., he was assigned to work at the JPC Company, a client company. Mr. Interial was employed full time at the long-term assignment at the JPC Company and was being paid by the hour. Tom Bocak was the first contact person for Mr. Interial with RJK, Inc. At the time of the claimant's leaving employment his contact person was Marino Rodriquez.

Mr. Interial left his employment with RJK, Inc. on November 13, 2013 leaving a voice message for the employer stating that he was quitting his job. Mr. Interial had not reported for scheduled work for a number of days prior to his quitting. The claimant had called in absent on some days and the employer had made a number of calls to Mr. Interial attempting to determine why he was not reporting for scheduled work at the client location.

The claimant left his employment on November 13, 2013 due to dissatisfaction with the work environment at the JPC Company work location. The claimant was dissatisfied because he believed that a previous supervisor at JPC had been racially discriminating and harassing employees. Mr. Interial was also dissatisfied because a number of days of absence that the claimant had taken off work to care for his ill mother had been counted against him as attendance violations and had precluded him from a good attendance bonus. The company had

offered Mr. Interial the option of claiming time off work under the Family Medical Leave Act, however, paperwork provided to the claimant for FMLA documentation had not been returned to the company. Mr. Interial was also dissatisfied as he desired to be cross-trained in other jobs at the JPC Company and the JPC Company had not acted sufficiently to cross-train him in other jobs.

After complaining to his immediate contact person at RJK, Inc. in 2013 about the conduct of a lead person at the JPC Company, the matter was investigated and the lead person had been discharged from employment. When RJK, Inc. heard no further specific complaints from Mr. Interial after the discharge of the lead person, the employer reasonably concluded that the issue had been resolved.

In the weeks preceding Mr. Interial's decision to leave his employment the claimant's new contact person at RJK, Inc. became aware that Mr. Interial might again be dissatisfied with some aspects of his employment at the client location based upon "hints" of dissatisfaction made by the claimant. In an effort to resolve any issues that Mr. Interial may have had, Mr. Rodriguez scheduled a meeting between the management of RJK, Inc. and the client company to meet with Mr. Interial so that the parties would have an opportunity to understand what Mr. Interial's dissatisfactions were and to resolve them.

Mr. Interial agreed to meet for the scheduled meeting between the parties on November 12, 2013, however, the claimant failed to report to the scheduled meeting and did not notify his employer that he would not be attending. In a second effort to resolve any areas of dissatisfaction that Mr. Interial may have had, Mr. Rodriguez scheduled a second meeting for the following day, November 13, 2013. Once again Mr. Interial was informed of the time and day of the meeting and its purpose and agreed to attend. Mr. Interial did not attend the meeting, instead leaving a voice message that he was quitting his job with the company.

The company handbook of RJK, Inc. addresses the fact that employees must bring areas of dissatisfaction about working conditions at client employer locations to the attention of RJK, Inc. so that the company is aware of the issues and can make attempts to resolve them. Employees are instructed to immediately report any type of harassment to RJK, Inc. so that the employer is aware of any dissatisfactions so the employer has an opportunity to address or resolve the employees' complaints.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code

section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

In the case at hand the claimant was employed by a temporary service and was assigned to work at a client employer location on a long-term work assignment. Although Mr. Interial was expected to follow the work directives of supervisory personnel at the client employer location, Mr. Interial was aware that his employer was RJK, Inc. temporary firm and that he needed to bring any concerns about working conditions at the client location to the attention of a temporary firm employer so that the temporary firm employer could investigate and intervene as necessary.

The evidence establishes that Mr. Interial was aware of that procedure because he had complained to his contact person at RJK, Inc. in 2013 about the offensive conduct of a lead person employed by the client and RJK, Inc. had acted to resolve the issue at that time. When the claimant's previous contact person left his employment with RJK, Inc., Mr. Interial was assigned to a new contact person but made no specific complaints about working conditions at the client location, but instead made generalized statements of dissatisfaction.

The evidence establishes that although Mr. Interial had not made specific complaints or allegations, RJK, Inc. took immediate action to resolve any areas of dissatisfaction by scheduling a meeting between management at RJK, Inc. and management of the JPC Company as well as the claimant to resolve any issues that Mr. Interial may have been having. Although the claimant was aware of the scheduled meeting and had agreed to attend, he did not. The evidence establishes that RJK, Inc. then made a second effort to address any complaints that Mr. Interial may have had by scheduling a second meeting for the following day, November 13, 2013. Once again, the claimant agreed to attend but did not. Instead, Mr. Interial called and left a message saying that he was quitting employment.

The administrative law judge concludes based upon the evidence in the record that the claimant did not provide sufficient notice to his employer of any specific complaints or dissatisfaction with his employment at the client work location and that although given the opportunity on two separate occasions to do so, the claimant did not avail himself of those opportunities but instead chose to leave his employment with the temporary employment firm. The employer was not

given sufficient opportunity to address or resolve Mr. Interial's complaints prior to his leaving employment. Good cause for leaving attributable to the employer has, therefore, not been shown and benefits are denied.

DECISION:

The representative's decision dated January 14, 2014, reference 02, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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