

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY C POTTER
Claimant

APPEAL NO. 10A-UI-01474-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 10/11/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Mary Potter filed an appeal from a representative's decision dated January 25, 2010, reference 02, which denied benefits based on her separation from Temp Associates. After due notice was issued, a hearing was held by telephone on March 10, 2010. Ms. Potter participated personally and was represented by Elizabeth Norris, Attorney at Law. The employer participated by Brenda Tee, Account Manager.

ISSUE:

At issue in this matter is whether Ms. Potter was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Potter was employed by Temp Associates, a temporary placement firm, from October 28 until November 20, 2009. Her only assignment was with Sterzing Food Company where she worked full time as a chip sorter. She quit the assignment before its completion because of problems she was experiencing with her hands.

Ms. Potter had past surgery that involved replacing bones in both of her hands. She has not had medical treatment for her hands since 2006. She was able to perform the sorting aspect of her job with Sterzing but had difficulty performing the clean-up duties. She did not ask Sterzing if there was a different job she could be assigned to perform. She notified Temp Associates on November 20 that she was quitting as she was unable to perform the job because of her hands. She did not ask if there were other assignments available. Ms. Potter was not advised by a doctor to leave the assignment.

REASONING AND CONCLUSIONS OF LAW:

Ms. Potter was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Because Ms. Potter did not complete her assignment with

Sterzing, her separation of November 20, 2009 is a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Potter quit her employment because she was experiencing problems performing all of the duties required of her, specifically the cleaning. Where an individual leaves employment because of a medical condition that is either caused or aggravated by the employment, she must first notify the employer of the medical problem. She must also notify the employer that she intends to quit if the problem is not resolved or if she is not reasonably accommodated. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). Ms. Potter did not, prior to quitting, notify either Sterzing or Temp Associates that she had a medical condition that was caused or aggravated by the employment.

Ms. Potter had a duty to at least notify Temp Associates that she planned to quit if not accommodated on her assignment with Sterzing or if Temp Associates did not place her on an assignment that did not aggravate her hands. Because she failed to give the required notice, she deprived Temp Associates of the opportunity to try to salvage the employment relationship. As such, her separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 25, 2010, reference 02, is hereby affirmed. Ms. Potter voluntarily quit her employment with Temp Associates on November 20, 2009 for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css