

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOLLY M TODD
Claimant

**REAL TIME STAFFING SVCS INC
SELECT STAFFING**
Employer

APPEAL NO: 12A-UI-12651-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/23/12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(3) – Seek Other Employment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 18, 2012, reference 01, that held she voluntarily quit without good cause attributable to her employer on July 2, 2012, and benefits are denied. A telephone hearing was held on November 26, 2012. The claimant did not participate. Gregg Goss, On-Site Branch Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer on assignment at Scotts Manufacturing as a full-time seasonal production worker from November 18, 2011 to July 2, 2012. The claimant told another employee she was quitting her job to work for another employer. Claimant left employment and did not notify the employer directly about her decision to quit. Claimant failed to respond to the hearing notice.

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(3) 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:

(3) The claimant left to seek other employment but did not secure employment.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to seeking other employment on July 2, 2012.

The claimant had a good personal reason for quitting, but job seeking without obtaining employment is disqualifying.

DECISION:

The department decision dated October 18, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause on July 2, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs