

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TYRONE L SHIVERS**  
Claimant

**APPEAL NO. 10A-UI-06468-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF DM**  
Employer

**Original Claim: 03/21/10  
Claimant: Appellant (1)**

Section 96.5-1-f – Voluntary Quit/Compelling Personal Reasons  
Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

**STATEMENT OF THE CASE:**

The claimant appealed from a representative's decision dated April 26, 2010, reference 02, that held he voluntarily quit without good cause on March 8, 2010, and that denied benefits. A telephone hearing was held on June 17, 2010. The claimant participated. Bev Riley, Staffing Specialist, participated for the employer.

**ISSUE:**

Whether claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: The claimant began work in March 2009, and he signed an employer policy that provides he must seek re-assignment within three days of job completion. The claimant last worked an assignment at BASF on March 8. The claimant left his assignment without notice to his employer because of a health issue involving a cousin's child and other personal matters regarding his desire to obtain health insurance coverage and his pending marriage. The claimant considered he had completed his assignment, because it had been extended, but he did not contact the employer or sign in for work for three days.

As a courtesy to the employer, the claimant called in on March 26. The employer responded to the call by stating to the claimant it considered him to have quit his assignment for failing to return to work or contact the employer within three days of his leaving the assignment on March 8.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-f 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. But the individual shall not be disqualified if the department finds that:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

Iowa Code section 96.6-2 provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 10, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer on March 8, 2010, when he failed to notify his employer of his

reason for leaving the assignment, failure to return to the assignment, and a failure to seek re-assignment within three days.

Although the claimant may have had some compelling personal reasons to leave his assignment on March 8, he failed to notify the employer and he failed to seek re-assignment within ten working days. In addition, he failed to seek re-assignment within the terms and conditions of his employment. The claimant described his employer contact on March 26 as a "courtesy" rather than his obligation to do so according to employer policy. The claimant was obsessed in his quest for health insurance coverage, something he knew the employer did not provide, and he was focused on trying to find employment that had it. However, this issue is not relevant to the employment separation as to whether it allows unemployment benefits.

**DECISION:**

The department decision dated April 26, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause on March 8, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw