

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BURDETTE W KELSEY**

Claimant

**APPEAL NO. 11A-UI-07813-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON STAFFING COMPANY LC**

Employer

**OC: 07/04/10**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 6, 2011, reference 03, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 12, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Nate Cloe participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses. The claimant worked for the employer from April 27, 2008, to May 11, 2011. He was working full time on an assignment at Titan Tire.

On May 11, 2011, the claimant was performing his normal job scanning tires. The lead person approached the claimant and informed him that he was going to have another worker who was on light-duty restrictions scan tires. He explained the worker's forklift broke down and he would be scanning until another forklift was available.

The claimant replied "fuck that" and told the lead worker that scanning tires was his job and he was not going to let the coworker scan tires. The lead worker stressed that the coworker was on light duty, but the claimant replied that he did not care and it was not his problem. Finally, when the lead worker said "I am going to scan," the claimant said "fuck that, I quit, I'm done." At that point, the lead worker told him "to get the fuck out of here then." The claimant left the job site. The conversation was heated, with both the claimant and the lead worker yelling and swearing.

Later that day, the claimant contacted assistant operations manager, Nate Cloe. The claimant told Cloe about the argument and insisted the lead worker told him to leave and that he did not quit. Cloe conducted an investigation that included talking to workers in the area. Several

workers heard the claimant say he quit. Cloe informed the claimant on May 13 that the employer had determined he had voluntarily quit.

The claimant quit because he was upset that someone else was taking over his job.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. Although the claimant insisted that he did not tell the lead worker that he quit, I am convinced by the employer's evidence that he said he quit. This was before the leader told him to leave. I believe the claimant realized what he had done and was trying to get back to work when he spoke to Cloe later that day. The separation should be treated as a voluntary quit.

The reason the claimant left employment—not wanting to turn over his job to a coworker on light duty—does not meet the standard of good cause attributable to the employer.

**DECISION:**

The unemployment insurance decision dated June 6, 2011, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs