

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELLEN L BUTLER
Claimant

APPEAL NO. 07A-UI-00241-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 10/01/06 R: 02
Claimant: Respondent (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Temp Associates, filed an appeal from a decision dated December 29, 2006, reference 06. The decision allowed benefits to the claimant, Ellen Butler. After due notice was issued, a hearing was held by telephone conference call on January 24, 2007. The claimant was mailed a notice of the hearing to her address of record on January 9, 2007. The United States Postal Service returned the notice to the Appeals Section on January 16, 2007 indicating the delivery was “attempted—not known unable to forward.” There is no new address provided to Iowa Workforce Development and the phone number of record had been disconnected. The employer participated by Manager Judy Rebik.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Ellen Butler was employed by Temp Associates from August 28 until September 28, 2006. She was assigned to Lennox for an indefinite period of time. On September 29, 2006, the claimant came to the employer’s office and said she had quit because an ex-boyfriend, an employee of Lennox, had been harassing her.

The employer’s harassment policy notifies employees if they are being harassed to report it to the Temp Associates office. The employee would then be reassigned. The claimant did not notify the employer prior to quitting and did not request another assignment.

Ellen Butler filed a claim for unemployment benefits with an effective date of October 1, 2006. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

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.

The claimant quit her assignment at Lennox because of problems with another employee. At no time did she notify the temporary agency of the problem and request another assignment. She merely quit and then did not ask for further work. The employer should be given the opportunity to address an employee's complaints and concerns prior to a resignation and this was not done. The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of December 29, 2006, reference 06, is reversed. Ellen Butler is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css