

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BARBARA PRUITT

Claimant

APPEAL NO. 14A-UI-02534-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC

Employer

OC: 07/21/13

Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Barbara Pruitt (claimant) appealed an unemployment insurance decision dated February 27, 2014, (reference 06), which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Manpower International, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 31, 2014. The claimant participated in the hearing. The employer participated through Gail Gonyaw, Associate Recruiter.

ISSUE:

The issue is whether the claimant's voluntary separation qualifies her for unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from January 2, 2014, through February 7, 2014. She was assigned to work at COBO International and called in her absences on February 5 and 6, 2014, due to her son's attempted suicide. She was given a verbal warning for excessive absenteeism and had sufficient attendance points to result in her termination if she missed any more work. The claimant called in on February 7, 2014, and voluntarily quit because she could not return to work that day and would have been fired.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit on February 7, 2014 when she could quit or be discharged. When an employee quits in lieu of discharge, it is an involuntary quit since the employee really had no choice in the matter. However, the rule specifically treats this type of a separation as a voluntary quit with good cause attributable to the employer. 871 IAC 24.26(21).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has satisfied that burden. Benefits are allowed.

The employer is not a base period employer and its account is not subject to any charges during the claimant's current benefit year. If the claimant establishes a subsequent benefit year, the wage credits she earned from January 2, 2014, through February 7, 2014, would be subject to charge since the claimant quit her employment with good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated February 27, 2014, (reference 06), is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs