

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALFRED E LEGGETT**

Claimant

**APPEAL NO: 10A-UI-03101-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**

Employer

**OC: 01/04/09**

**Claimant: Appellant (1/R)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed a representative's February 24, 2010 decision (reference 08) that concluded he was not qualified to receive benefits and the employer's account was exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on March 30, 2010. The claimant participated in the hearing. Jessica Spinello, a branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him from work?

**FINDINGS OF FACT:**

The claimant registered to work for the employer in February 2003. Every year the claimant signs papers for tax purposes. In addition to signing documents for taxes, the claimant also receives a copy of the employer's policy informing the claimant that when he completed a job assignment, he needed to contact the employer for another job within three working days. During his employment, the claimant usually contacted the employer and asked for work after completing an assignment.

In September 2009, the employer assigned the claimant to work at Graybar. This assignment was made from the employer's Cedar Rapids office. The claimant drove for Graybar. The claimant was on a route for Graybar on September 30 2009, when a female asked Graybar personnel to contact the claimant because she needed something from his vehicle. Graybar contacted the claimant and he came back to Graybar's office. When the claimant returned, he told Graybar personnel he had to leave work early. The claimant only worked four hours on September 4, 2009. Graybar personnel contacted the employer and reported the situation with the claimant and the female.

On October 1, 2009, the claimant contacted the employer and told the employer they did not pay enough money to CDL drivers and he had to go to Mississippi right away. The claimant did not complete the job assignment at Graybar.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts establish the claimant left a job assignment at Graybar before he had completed it. For unemployment insurance purposes, the claimant voluntarily quit this employment assignment on September 30, 2009. Since the claimant quit the assignment before he completed it, Iowa Code § 96.5-1-j does not apply in this case.

When a claimant quits he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2. The claimant's testimony that he did not leave work early on September 30, tell the employer he was going to Mississippi and signed in for work in early October 2009 is not credible. A preponderance of the credible evidence establishes the claimant left his job assignment at Graybar early and did not return to complete it. The claimant may have had compelling reasons for leaving work early and not returning to that assignment, but he did not establish he quit for reasons that qualify him to receive benefits. Therefore as of October 1, 2009, the claimant is not qualified to receive benefits.

The record indicates the claimant received benefits since October 4, 2009. The issue of overpayment is remanded to the Claims Section to determine.

**DECISION:**

The representative's February 24, 2010 decision (reference 08) is affirmed. The claimant voluntarily quit his assignment at Graybar for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 4, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The issue of overpayment for benefits the claimant has received since October 4, 2009, is Remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css