

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDWARD J GATSON**  
Claimant

**APPEAL NO: 13A-UI-13562-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING**  
Employer

**OC: 11/17/13  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 11 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated at the January 6 hearing. Colleen McGuinty, the unemployment insurance benefits administrator, and James Cole, the on-site manager, appeared on the employer's behalf. Based on the administrative record, the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The employer assigned the claimant to an assignment at Rock Tenn on June 5, 2013. Cole was the employer's on-site manager at Rock Tenn.

A few times during the summer months, the claimant went home early work when it was very hot or he did not feel well. The claimant worked an average of 16 hours a week during the summer months. The claimant could have worked 40 or more hours a week, but did not. In September, Rock Tenn had a busy work load. In October, Rock Tenn's work slowed down and some people were sent home from work.

During the week ending of October 5, the claimant worked 40 hours, the week ending October 12, the claimant worked 24 hours, the week ending October 19 he worked 19 hours and during the week ending October 26, the claimant worked 5.25 hours.

The claimant tried to file a claim for partial benefits before the week of November 17, 2013, but was told he had to wait until November. When the claimant was sent home the week of October 20, he did not return to work because he could not financially afford to drive to work, about 15 miles. The last day the claimant worked was October 24.

Earlier when the claimant asked for another assignment, the employer indicated the only work they could assign him was at Rock Tenn. Rock Tenn had continuing work for the claimant to do in November. Another person replaced the claimant at Rock Tenn.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative record indicates the claimant could not file a claim for partial benefits until November 17, 2013, because he had exhausted his benefits on a claim he established the week of November 18, 2012. The claimant could not establish a new benefit year until November 17, 2013, when his first benefit year ended. If the claimant continued working and was working reduced hours, he may have been eligible to receive partial benefits in mid-November. The claimant did not continue working. Instead he quit by failing to report to work after October 24, 2013.

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. When a claimant quits, he has the burden to establish he quits for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when he leaves because he is not satisfied with his wages. 871 IAC 24.25(13). Since the claimant averaged 16 hours a week during the summer, it is understandable why he became frustrated when he was sent home the last week and was only worked 5.25 hours. Instead of talking to Cole or anyone else to find out if work at Rock Tenn would pick up, the claimant quit and did not return to work even though there was continuing work for him and the employer replaced the claimant.

The claimant quit for personal reasons, but he quit for reasons that do not qualify him to receive benefits. As of November 17, 2013, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's December 11, 2013 determination (reference 03) is affirmed. The claimant voluntarily quit this employment for personal reasons, but his reasons for quitting do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 17, 2013. 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css