

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BOL G JACK
Claimant

APPEAL NO. 09A-UI-02518-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING & PROFESSIONAL
SERVICES LLC**
Employer

OC: 04/13/08
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Bol Jack filed a timely appeal from the February 5, 2009, reference 02, decision that denied benefits. After due notice was issued, a hearing was held commenced on March 11, 2009 and concluded on April 9, 2009. Mr. Jack participated. Cyd Hall, Office Manager, represented the employer. Nuer-English Interpreter Mary Chol assisted with the hearing on April 9, 2009.

ISSUES:

Whether Mr. Jack voluntarily quit or was discharged from the employment. The administrative law judge concludes that Mr. Jack voluntarily quit.

Whether Mr. Jack's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the employer is a staffing agency. Bol Jack commenced his employment relationship with the employer on April 18, 2008 and was placed in a full-time, long-term assignment at Jack Links on that date. Mr. Jack last performed work in the assignment on December 17, 2008. Mr. Jack was upset because the employment did not provide him with health care benefits. Mr. Jack was also upset with the employment because he thought he was being asked to do too many things at once. Mr. Jack complained to the employer on December 17 and was told it was his choice to stay and perform the work or to leave. Mr. Jack elected to leave and did not return. Mr. Jack did not complete the long-term assignment. Mr. Jack did not make further contact with the staffing agency to inquire about a further assignment.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The administrative law judge noted during the hearing that Mr. Jack's English skills appeared to be better than those of the interpreter. The weight of the evidence indicates that language barrier issues were not a factor in the separation from the employment.

The weight of the evidence indicates that Mr. Jack voluntarily quit for personal reasons. The first the fact that the employment did not provide health care benefits. The second was Mr. Jack's belief that he was being asked to do too many things at once. Mr. Jack had performed the same employment for eight months before he became disenchanted with the work and decided to quit the employment.

The administrative law judge concludes that Mr. Jack voluntarily quit the employment without good cause attributable to the employer. Accordingly, Mr. Jack is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. Jack.

DECISION:

The Agency representative's February 5, 2009, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css