

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARYN E SMITH
Claimant

APPEAL NO. 09A-UI-07926-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LA LEASING INC
SEDONA STAFFING
Employer

OC: 02/01/09
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Daryn Smith, filed an appeal from a decision dated May 19, 2009, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 17, 2009. The claimant participated on his own behalf. The employer, Sedona Staffing, participated by Workers Compensation Administrator Chad Baker.

ISSUE:

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

FINDINGS OF FACT:

Daryn Smith was employed with Sedona from February 15, 2008 until April 16, 2009. His last assignment began March 16, 2009, at Mississippi Valley Pump. He was discharged by the client and elected not to continue to accept work through Sedona, because of the “bad experience” of being fired by the client, although he did not hold Sedona responsible for that incident. He wanted to seek better paying employment elsewhere but did not notify Sedona he did not want to be considered for any further assignments.

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.

871 IAC 24.25(3) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(3) The claimant left to seek other employment but did not secure employment.

The claimant elected to quit Sedona to look for employment elsewhere. His "bad experiences" with some of his assignments were not the responsibility of Sedona but were enough to persuade him to seek employment. He did not find other employment and filed an additional claim for benefits. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and he is disqualified.

DECISION:

The representative's decision of May 19, 2009, reference 02, is affirmed. Daryn Smith is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs