

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EVRETT M BASS**  
Claimant

**APPEAL NO: 13A-UI-13216-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 10/06/13**

**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Evrett M. Bass (claimant) appealed a representative's November 22, 2013 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Express Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 19, 2013. The claimant participated in the hearing. Jim Cole 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:**

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a temporary employment firm. After a prior period of employment with the employer, the claimant most recently began an assignment with the employer on October 3, 2013. The employer had told the claimant that the job would be long term, perhaps temp-to-hire. When the claimant reported for the assignment on October 3, the business client informed him that the assignment would only be two days. The claimant worked on October 3, but then informed the employer that he was quitting the assignment and would not work the final day of the assignment on October 4. The employer then determined to cease placing the claimant in other assignments because he had quit before the announced end date of the assignment.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit his employment, he is generally not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer on the final day of the assignment and did act to carry it out.

871 IAC 24.25(40) provides:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

Here the claimant had been informed on October 3 that the assignment would end and that he would be laid off from the assignment as of the end of the day on October 4; he would be disqualified for benefits for that benefit week ending October 5, but he would again be eligible to receive unemployment insurance benefits as of October 6, the week he would have been on layoff status.

**DECISION:**

The representative's November 22, 2013 decision (reference 02) is modified. The claimant voluntarily quit his assignment on October 3, 2013, in advance of the scheduled end of the assignment on October 4. The claimant would not be eligible for benefits for the benefit week ending October 5, 2013. The claimant is qualified to receive unemployment insurance benefits as of October 6, 2013.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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