

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**RICHARD J HOLMES
1131 EUCLID AVE #1
DES MOINES IA 50313-3206**

**EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172**

**Appeal Number: 06A-UI-02719-CT
OC: 07/31/05 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Richard Holmes filed an appeal from a representative's decision dated March 6, 2006, reference 04, which denied benefits based on his separation from Express Services, Inc. After due notice was issued, a hearing was held by telephone on March 29, 2006. Mr. Holmes participated personally. The employer participated by B. J. Butler, Personnel Supervisor.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Holmes began working through Express Services, Inc. on September 13, 2005. On January 25, 2006, he accepted a full-time

assignment with Helena Manufacturing. He attended orientation on January 25 and was taken on a tour of the plant. He would have been packaging fertilizer if he had remained on the assignment. He experienced a rash on his hand and face and attributed it to something at the Helena Manufacturing plant. Therefore, he did not return to the assignment on January 26. He notified Express Services on January 26 that he was not returning to the assignment. Mr. Holmes has not sought employment with Express Services since that date.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Holmes was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Holmes did not complete his assignment with Helena Manufacturing and, therefore, his separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Holmes quit his assignment because the work environment caused him to have a rash on his hands and face. It appears that he had an allergic reaction to something at the work place. It is entirely possible that he may have been allergic to ingredients used in the manufacture of fertilizer. The administrative law judge concludes that Mr. Holmes' quit was for good cause attributable to the employment. Accordingly, no disqualification is imposed.

Mr. Holmes did not seek further work with Express Services. However, he had not received written notice that he had to seek reassignment within three working days of the end of an assignment. Therefore, the provisions of Iowa Code section 96.5(1)j may not form the basis of a disqualification from benefits.

DECISION:

The representative's decision dated March 6, 2006, reference 04, is hereby reversed. Mr. Holmes voluntarily quit his employment for good cause attributable to the employer. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/tjc