

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN T HENSON

Claimant

APPEAL NO. 09A-UI-18849-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 10/04/09

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Kevin T. Henson filed a timely appeal from an unemployment insurance decision dated December 1, 2009, reference 02, that disqualified him for benefits. After due notice was issued, a telephone hearing was held January 5, 2010 with Mr. Henson participating. Retention Coordinator Jacque Finkrel participated for the employer, Advance Services, Inc. Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Kevin T. Henson was employed by Advance Services, Inc. on assignment to Dickten Masch Plastics from October 7, 2009 until he abandoned the position on October 27, 2009. Mr. Henson was scheduled to work 36 hours per week. Mr. Henson walked off the job one day when it was particularly busy due to short staffing. He did not contact Advance Services immediately. The employer learned of his departure from its client. Further work was available had Mr. Henson not left.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. According to Mr. Henson, he walked off the job because it was too busy on the night in question due to the company being short staffed. There is no evidence in the record to indicate that this was a long-term problem. The evidence falls short of establishing intolerable or detrimental working conditions. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated December 1, 2009, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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