

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANE W GREEN

Claimant

APPEAL NO: 15A-UI-05356-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC

Employer

OC: 11/09/14

Claimant: Respondent (5)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Remedy Intelligent Staffing, Inc. (employer) appealed a representative's May 1, 2015 decision (reference 06) that concluded Shane W. Green (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 12, 2015. A review of the Appeals Bureau's conference call system indicates that the claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. Bruce Johnston appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Modified with no effect on the parties. Benefits allowed.

FINDINGS OF FACT:

The employer is a temporary employment firm. After a prior period of employment with the employer, the claimant most recently accepted an assignment which began on November 17, 2014. His last day on the assignment was March 31, 2015. The assignment ended because the claimant quit by leaving the assignment.

The claimant's work schedule was from 10:00 a.m. to 7:00 p.m. He had been having difficulties with the line leader. The line leader was expecting the claimant to perform that same amount of work that two persons were expected to do on another shift, and he denied the claimant's request to obtain some assistance. When the claimant was ready to go on his break, the line leader told him, "You're too d - - - slow, you need to stay here and get caught up, you don't need a break." The line leader then walked away, and the claimant shut down and left. He went into

the employer's office the next day to report that he had left the assignment because of this situation. The employer did not have any other work available for the claimant at that time that would meet his availability.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. Rule 871 IAC 24.26(4). The claimant has demonstrated that a reasonable person would find the employer's work environment was detrimental or intolerable, particularly through the denial of a break. *O'Brien v. EAB*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Benefits are allowed.

DECISION:

The representative's May 1, 2015 decision (reference 06) is affirmed as modified with no effect on the parties. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs