

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES E TUCKER
Claimant

APPEAL NO. 13A-UI-01593-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF DM
Employer

OC: 12/30/12
Claimant: Appellant (1-R)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 1, 2013 (reference 02) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on March 11, 2013. Claimant participated. Employer participated through Tracy Vaubel.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a temporary roof truss assembler and loader assigned on second shift at Lumber Specialties in Story City and was separated from employment on July 9, 2012. He did not check back for work but the administrative record does not indicate he was employed elsewhere as he recalled in his testimony. The statement to the fact-finding interview representative was that his car broke down so he did not have a way to get there. He told the Manpower representative after the May 14 through June 15 assignment that he could not make the shift schedule work because he had custody of his child. The employer then arranged for him to work first shift on July 9 but he backed out of that assignment as well.

The claimant has wages with other employers after this separation but the administrative record is unclear as to whether he has requalified for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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(1), (17), (18) 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 § 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 § 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:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

(17) The claimant left because of lack of child care.

(18) The claimant left because of a dislike of the shift worked.

Given the variety of reasons for the separation given at various times, claimant's credibility is less reliable than that of the employer. While claimant's leaving the employment may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The February 1, 2013 (reference 02) decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

REMAND:

The requalification issue delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs