

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

ELMER L YOUNG JR
1104½ E 8TH ST
MUSCATINE IA 52761

R J PERSONNEL INC
TEMP ASSOCIATES
PO BOX 1061
MUSCATINE IA 52761-0018

Appeal Number: 04A-UI-05622-CT
OC: 04/18/04 R: 04
Claimant: Respondent (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:

Temp Associates filed an appeal from a representative's decision dated May 14, 2004, reference 04, which held that no disqualification would be imposed regarding Elmer Young's separation from employment. After due notice was issued, a hearing was held by telephone on June 14, 2004. The employer participated by Angie Brauns, Account Manager. Mr. Young did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Young began working through Temp Associates, a

temporary placement firm, on April 28, 2003. On April 27, 2004, he began an assignment working full-time hours with Eastern Iowa Landscaping. The assignment was to last until August or September of 2004. Mr. Young worked one day and then failed to return for further work. When he came to Temp Associates to get his paycheck on May 6, he indicated that he failed to return to the assignment because the ride to and from the job site caused him to be sick. He would drive his own vehicle to work and then be transported by Eastern Iowa Landscaping to the actual job site. Mr. Young had not complained to either Eastern Iowa Landscaping or Temp Associates about the problem. Continued work would have been available if he had continued reporting for work.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Young was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Young worked one day on his assignment with Eastern Iowa Landscaping and then stopped reporting for available work. Therefore, his separation is considered a voluntary quit. An individual who leaves employment voluntarily 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. Young had the burden of proving that his quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). He told Temp Associates that he quit because the ride to and from the job site made him sick. However, he never attempted to resolve the matter before quitting. He did not give either Eastern Iowa Landscaping or Temp Associates an opportunity to find alternative means of getting him to the job site. Because he did not give the employer an opportunity to try to correct the problem that was causing him to quit, it is concluded that his quit was without good cause attributable to the employer. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Moreover, Mr. Young did not give Temp Associates an opportunity to place him in a different assignment.

For the reasons cited herein, the administrative law judge concludes that Mr. Young has failed to establish that he had good cause attributable to the employer for quitting. Accordingly, benefits are denied. No overpayment results from this reversal of the prior allowance as Mr. Young has not received job insurance benefits since the April 28, 2004 separation from Temp Associates.

DECISION:

The representative's decision dated May 14, 2004, reference 04, is hereby reversed. Mr. Young voluntarily quit his employment with Temp Associates on April 28, 2004 for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/b