

**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**

**LARRY W IVERSON  
APT LW  
220 – 8<sup>TH</sup> ST NE  
WAVERLY IA 50677**

**CNE LTD  
PO BOX 83  
WATERLOO IA 50704**

**Appeal Number: 05A-UI-08791-HT  
OC: 02/06/05 R: 03  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Larry Iverson, filed an appeal from a decision dated August 22, 2005, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 13, 2005. The claimant participated on his own behalf. The employer, CNE Ltd., participated by Staffing Administrator Shelly Olsson .

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: Larry Iverson was employed by CNE from June 29

until July 26, 2005. He was assigned as a machinist at a client company, Unverferth, on a temp-to-hire basis.

The claimant stopped coming to work at the client company on July 26, 2005. He did not want to continue because of the heavy lifting involved in the job duties. Mr. Iverson had talked to Unverferth supervisors about another job but was told there was no "light duty." After that the claimant made no attempt to contact anyone at CNE to ask for another assignment, he simply stopped coming to work and began looking for other employment.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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.

871 IAC 24.25(21) 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 section 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 section 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:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant accepted the assignment at Unverferth without having a firm idea of what the work entailed. However, after finding it required heavy lifting he did not contact the employer, CNE, to ask for another assignment or a modification to his current one. Swanson v. EAB, 554 N.W.2d 294 (Iowa App. 1996) requires an employee to notify the employer of any problems and to allow a reasonable amount of time for the problem to be addressed. If the employer fails or refuses to correct the situation, only then is a voluntary quit with good cause attributable to the employer. In the present case, the claimant merely stopped showing up for work without any explanation to either the employer or the client company. He is therefore disqualified.

#### DECISION:

The representative's decision of August 22, 2005, reference 03, is affirmed. Larry Iverson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/kjw