

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA C SALVAGGIO
Claimant

APPEAL NO. 10A-UI-02461-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**Original Claim: 09/27/09
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 12, 2010, reference 04, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 29, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Jan Windsor participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from July 13, 2009, to January 19, 2010.

His last assignment was working as a laborer at KPI. He was informed by a manager at KPI on January 19, 2010, that it did not have any further work for him at that time. On January 20, the claimant spoke to the employer's office manager, Jan Windsor, and told her that KPI no longer needed him. He told Windsor that he was going to school full-time and was not interested in any further work assignments from the employer. The employer would have had immediate full-time work available for the claimant at PPG, a company that the claimant has worked for before. Since the claimant told Windsor he was not interested in further assignments, Windsor did not mention the work available at PPG.

The claimant had started attending classes at Southeast Community College on January 16, 2010, while he worked at KPI with KPI accommodating his class scheduled. The claimant applied for and received approval to attend school while receiving unemployment insurance benefits on January 21, 2010.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

While the claimant received approved training to attend school, the law does not permit a person to quit employment to go to school. 871 IAC 24.25(26) states that a claimant who quits employment to go to school has voluntarily quit employment without good cause attributable to the employer. The claimant completed his assignment at KPI, but Temp Associates was the claimant's employer and he would only be laid off from Temp Associates if Temp Associates did not have any work for him. The claimant quit employment with Temp Associates by informing the office manager that he was not interested in receiving any more assignment from Temp Associates. In fact, Temp Associates had another assignment available for him. Since he quit employment to go to school, he is disqualified from receiving benefits effective January 20, 2010.

DECISION:

The unemployment insurance decision dated February 12, 2010, reference 04, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw