

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW L HILL
Claimant

APPEAL NO. 09A-UI-07988-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION ATLANTIC ENTERPRISES LLC
Employer

**Original Claim: 04/05/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated May 21, 2009, reference 01, which held the claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 17, 2009. The claimant participated. The employer participated by Leatha Hamilton, client services manager. The record consists of the testimony of Matthew Hill and the testimony of Leatha Hamilton.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

In February 2008, the claimant was hired by the employer, which is a temporary employment agency. The claimant was given an assignment at Lennox Industries, a warehouse facility. The claimant worked in the shipping office preparing documents. Lennox Industries notified its temporary employees, including the claimant, that the assignment would end on March 31, 2009. The claimant, in turn, notified the employer. The employer then informed the claimant that a job was available at Wells Fargo starting on March 30, 2009. The claimant decided to take the job and worked a total of 12 hours for Wells Fargo preparing mortgage closing documents.

The claimant decided he did not want the Wells Fargo job for a variety of reasons. He did not want to be confined to a cubicle all day and felt that the job would be different from what he had been accustomed to at Lennox. He also did not feel that he would be able to secure a full-time job with Wells Fargo. He informed Spherion that the job was not for him and he did not ask for another assignment. Rather, he informed Spherion that he was going to look for a full-time permanent position elsewhere and that he would keep them in mind for the future in the event he decided to pursue temporary work.

REASONING AND CONCLUSIONS OF LAW:

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(2) 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:

(2) The claimant moved to a different locality.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence is uncontroverted in this case that the claimant voluntarily quit his job without good cause attributable to the employer. The claimant was given an assignment at Wells Fargo and he decided, as he put it to the employer, that job was not for him. He was looking for a full-time permanent position and he did not see that happening at Wells Fargo. The job was also different than his job at Lennox and he did not want to be confined to a cubicle all day. He had enjoyed being able to get up and move around, something he was able to do when he was assigned to Lennox.

Iowa law is clear that a voluntary quit shall be presumed to be without good cause attributable to the employer when a claimant leaves to due to dissatisfaction with the work environment. The claimant was not happy with the Wells Fargo assignment. He evidenced his intent to quit not only that assignment but also any employment with Spherion by not asking for another assignment and by indicating he was looking for employment elsewhere. Since the claimant voluntarily quit without good cause attributable to the employer, no benefits are allowed.

DECISION:

The representative's decision dated May 21, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw