

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EUGENE D PETERSON
Claimant

APPEAL NO: 13A-UI-08328-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

OC: 06/16/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) - Voluntary Quit

PROCEEDUAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 5, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Tom Kuiper represented the employer. Lorie Hendrickson, the human resource manager, and Stacey Cooney, the scheduling manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in June 2006 as a security officer. The claimant worked at a Belmond, Iowa location for the last 3.5 years. On June 12, 2013, while at work the claimant saw a tornado. On June 13, Hendrickson called the claimant and told him that he did not need to go back to work at the Belmond location. The client asked that the claimant be removed from that assignment. The employer understood the claimant failed to follow proper procedures concerning the June 12 tornado. When Hendrickson called, the claimant's phone was just about out of minutes. The employer asked the claimant to call back the next day. The claimant agreed to call the next day.

After talking to Hendrickson, the claimant understood he had been relieved from this assignment and established a claim for benefits during the week of June 16, 2013. The employer had another job to assign to the claimant and expected the claimant to call the next day, June 14, as he said he would. When the claimant did not call the employer, the employer called and left messages for the claimant on June 17, 19 and 22. The employer's messages asked the claimant to call back because the employer had another job to assign to him.

The employer did not terminate the claimant on June 13, but only removed him from an assignment upon the client's request. The claimant did not contact the employer after June 13. He still has his uniform and badge.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The facts establish the employer expected the claimant to call on June 14 as he said he would. If the claimant would have called, he would have learned he was being assigned to another client. Instead, the claimant incorrectly assumed he had been discharged and the employer had no other work for him to after the Belmond client asked the employer to remove the claimant from their location. The claimant's failure to call the employer on June 14 and his failure to respond to the messages left by employer establish his intent to quit or end this employment relationship.

The claimant's voluntarily quit or abandoned this employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant may have been upset when he learned the client did not want him to return to their location, but the employer planned to assign the claimant to another job. The claimant did not establish good cause for quitting his employment. As of June 16, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's July 5, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 16, 2013. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css