

**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**

**KENNETH HONADEL  
1703 AVE D  
FT MADISON IA 52627-2554**

**TEAM STAFFING SOLUTIONS INC  
116 HARRISON ST  
MUSCATINE IA 52761**

**Appeal Number: 06A-UI-05812-BT  
OC: 04/09/06 R: 04  
Claimant: Appellant (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, 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 – Voluntary Quit

STATEMENT OF THE CASE:

Kenneth Honadel (claimant) appealed an unemployment insurance decision dated May 30, 2006, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Team Staffing Solutions, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 22, 2006. The claimant participated in the hearing. The employer participated through Bill Ramsey, Claims Specialist.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer from March 27, 2006 through April 12, 2006, when he voluntarily quit his employment. Prior to being hired, he was trying to get on full-time with Home and Hearth Tech since he could earn \$11.30 per hour instead of the \$10.00 per hour at the job where he was working. He passed the Home and Hearth Tech test and was only waiting on completing the physical. Home Hearth told him he could start working immediately if he signed on with Team Staffing. He would only make \$8.25 per hour but was advised by both Home and Hearth Tech and Team Staffing that he only had to work two weeks before he would be hired permanently. The claimant agreed and quit his other job to take the lesser paying job for a couple weeks. However, no one talked to the claimant about being hired permanently and no one returned his calls asking about it. He quit when he saw that he was not going to be hired by Home and Hearth Tech as promised.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out when he told the employer he was quitting his employment. He quit because he was not hired by Home and Hearth Tech within the first two weeks as promised. Although, the employer contends Team Staffing has nothing to do with who Home and Hearth Tech hires full-time, so would not have made any promises to the claimant. However, it is unlikely the claimant would quit a higher paying job to take a lower paying job without some incentive offered by Team Staffing and Home and Hearth Tech.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant has satisfied that burden. Benefits are allowed.

DECISION:

The unemployment insurance decision dated May 30, 2006, reference 03, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

sdb/kkf