

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

RICHARD J LANFIER  
12918 – 78<sup>TH</sup> AVE W  
TAYLOR RIDGE IL 61284

TEAM STAFFING SOLUTIONS INC  
116 HARRISON ST  
MUSCATINE IA 52761

Appeal Number: 05A-UI-05676-DWT  
OC: 10/17/04 R: 04  
Claimant: Respondent (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 - Voluntary Quit

STATEMENT OF THE CASE:

Team Staffing Solutions, Inc. (employer) appealed a representative's May 17, 2005 decision (reference 03) that concluded Richard J. Lanfier (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant quit his job assignment for reasons qualifying him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 16, 2005. The claimant participated in the hearing. Bill Ramsey, a claims specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The employer assigned the claimant to work at Prime Movers on February 14, 2005. The claimant had worked for this business two other times. The claimant understood that when he was assigned to this job, the job was a temp-to-hire job.

On April 27, 2005, a supervisor, M.N., told the claimant he could leave work at 2:30 p.m. The claimant left work as instructed. On April 28, 2005, another supervisor yelled at the claimant for leaving work the day before. After the claimant explained why he left early the day before, this supervisor assigned the claimant to a job.

After the supervisor left, a co-worker, M. started yelling and swearing at the claimant. M. also made remarks that the claimant would leave work only when M. wanted him to leave. The claimant had problems with M. before. Although the claimant reported problems he had with M. and did not like M. swearing at him, this problem did not get resolved.

The claimant was so upset by the fact that both M. and a supervisor yelled at him for following another supervisor's April 27 instructions that the claimant left Prime Movers that morning. The claimant went to the employer and talked to Mary Kirchner, one of the employer's staffing consultants, about the incident and why he left work that morning. Kirchner did not offer to talk to anyone at Prime Movers and the employer did not offer the claimant another job assignment. The claimant did not return to work at Prime Movers.

The claimant reopened his claim for unemployment insurance benefits during the week of May 1, 2005.

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. Iowa Code § 96.5-1. The evidence shows the claimant quit his job assignment at Prime Movers by walking off the job the morning of April 28. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant has quit with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The evidence indicates the claimant told a supervisor at Prime Movers about problems the claimant experienced with M. prior to April 28, 2005. When a supervisor and M. both yelled at the claimant for following another supervisor's April 27 directions in addition to M.'s veiled threat that he was really the claimant's boss, the claimant became so upset that he left his job at Prime Movers and went to talk to the employer's representative. For some reason, the evidence does not indicate that the employer's representative tried to resolve the problem at Prime Movers for the claimant even though the claimant told her why he left work that morning. Although the claimant notified both Prime Movers and the employer about the intolerable working condition, nothing happened. Under the facts of this case, the claimant quit his employment for reasons that qualify him to

receive unemployment insurance benefits. As of May 1, 2005, when the claimant reopened his claim for benefits, he is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

**DECISION:**

The representative's May 17, 2005 decision (reference 03) is affirmed. The claimant voluntarily quit his job assignment for reasons that qualify him to receive unemployment insurance benefits. As of May 1, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/sc