

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NIELLIA LATIMER
Claimant

SEDONA STAFFING INC
Employer

APPEAL 19A-UI-08456-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/29/19
Claimant: Appellant (5)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 24, 2019 (reference 02) unemployment insurance decision that denied benefits based upon her voluntarily quitting work on December 12, 2019 by failing to notify the temporary employment firm within three working days of the completion of her last work assignment. The parties were properly notified of the hearing. A telephone hearing was held on November 20, 2019. The claimant, Niellia Latimer, participated personally. The employer, Sedona Staffing, was represented by Colleen McGuinty and participated through witness Julie Thill. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a temporary employee at the employer's temporary employment firm. She began working for this employer on January 3, 2014 and her employment ended on April 5, 2019. Her immediate supervisor was Julie Thill.

Claimant was last placed on assignment with Nordstrom where she was a general laborer. On April 5, 2019, claimant left work early either to because of a personal issue with her daughter or to go to court. Claimant never returned to work after April 5, 2019. There was continuing work available to her had she not abandoned her job and the job assignment was not completed. Claimant again contacted this employer for work on June 18 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §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.

Claimant had an intention to quit and carried out that intention by leaving work early and never returning to work in a timely manner. The next time claimant contacted the employer about employment was over two months later. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Iowa Admin. Code r. 871-24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

The claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The October 24, 2019 (reference 02) unemployment insurance decision is modified with no change in effect. Claimant voluntarily quit employment without good cause attributable to the employer on April 5, 2019. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after her separation date of April 5, 2019, and provided she is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn