

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD GEIN
Claimant

APPEAL NO. 10A-UI-08167-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CNE LTD
Employer

OC: 03/21/10
Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Chad Gein (claimant) appealed an unemployment insurance decision dated June 1, 2010, reference 01, which held that he was not eligible for unemployment insurance benefits because he was discharged from CNE, Ltd. (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 26, 2010. The claimant participated in the hearing. The employer participated through Jessica Koenig, Staffing Manager. 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:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time, temporary CNC machinist from March 29, 2010 through April 25, 2010. He was assigned to work at Hypro Ink, Inc. and the general manager of that company asked that he be removed because he complained too much about work conditions and overtime. The employer had no other work available for him.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

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.

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. He was removed from his assignment on April 25, 2010, but the employer had no other work available for him at that time. The evidence demonstrates the claimant completed his assignment. The completion of a temporary employment assignment, regardless of whether the claimant reported for a new assignment, is deemed to be a separation other than a voluntary quit. The claimant's separation from employment was with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated June 1, 2010, reference 01, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw