

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRUDY J DIETZE

Claimant

APPEAL NO: 10A-UI-14425-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC

Employer

OC: 05/09/10

Claimant: Respondent (2/R)

Section 96.5-1 – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's October 7, 2010 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant participated in the hearing. David Dickey, the branch 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 her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The employer, a temporary employment firm, assigned the claimant to a long-term factory job on July 16, 2010. On July 22, the claimant contacted the employer and resigned effective immediately. After working just four or five days, the claimant's back, legs and feet hurt a great deal. She told the employer she had forgotten how hard factory work was and quit. The claimant indicated she would accept an office or bookkeeping job as her application indicated she could do.

The claimant reopened her claim the week of July 18, 2010. The claimant has filed for and received benefits since July 18, 2010.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant quit a long-term assignment on July 22, 2010. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits with good cause if she is compelled to leave because the employment aggravates an injury or condition that makes it impossible for the claimant to continue working. However, to be eligible a claimant must before quitting advise the employer of the work-related health problem and that the claimant intends to quit unless the employer can make reasonable accommodations. 871 IAC 24.26(6)(b). The claimant did not satisfy the above requirements. Instead, she quit without notice. For unemployment insurance purposes, the claimant quit for personal reasons that do not qualify her to receive benefits. As of July 18, 2010, the claimant is not qualified to receive benefits.

Since the claimant has received benefits since July 18, an issue of overpayment or whether she is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's October 7, 2010 determination (reference 02) is reversed. The claimant voluntarily quit a long-term job assignment for compelling personal reasons, but not for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 18, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for waiver of any overpayment is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs