

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL C PALMER**  
Claimant

**APPEAL NO. 11O-UI-11385-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
**SEDONA STAFFING**  
Employer

**OC: 04/24/11**  
**Claimant: Respondent (4-R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated June 7, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 2, 2011 after remand order from the Employment Appeal Board. Claimant participated. Employer participated by Chad Baker, work comp administrator. Exhibit One was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on September 17, 2011. Claimant worked part time at a temporary job. Claimant completed the assignment. Claimant, pursuant to written policy, was required to check in and ask for work within three days of the end of an assignment. Claimant did not check in for work until the fourth day.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship, because he failed to ask for further assignment within three days of the end of an assignment. However, claimant quit part-time work. Claimant is still eligible for benefits based on credits from other employment. Employer's account shall not be charged. Benefits allowed.

Iowa Code section 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.

871 IAC 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

**DECISION:**

The decision of the representative dated June 7, 2011, reference 01, is modified in favor of appellant and remanded for recalculation and determination of potential overpayment. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Employer's account shall not be charged.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw