

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DUSTIN G JANNING

Claimant

APPEAL NO: 13A-UI-03232-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC

Employer

OC: 06/17/12

Claimant: Respondent (5)

Section 96.5-2a – Discharge

STATEMENT OF THE CASE:

The employer appealed a department decision dated March 11, 2013, reference 03, that held he voluntarily quit with good cause due to a job completion on January 31, 2013, and benefits are allowed. A telephone hearing was held on April 16, 2013. The claimant did not participate. Jodi Korleski, Staffing Consultant, participated for the employer.

ISSUE:

Whether claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant worked an indefinite assignment at Curries for the employer beginning December 18, 2012. He last worked on January 31.

Claimant reported to the employer a message he was unable to work on February 1, and Curries notified the employer the same day it was ending his assignment for a third absence from work. The employer was unable to reach claimant by telephone for work and it did not send him any mailing about the situation.

The claimant did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes the employer has failed to establish claimant was discharged for misconduct on February 1, 2013. Since claimant contacted the employer about his February 1 absence there is no intent by him to quit or abandon his job.

Curries not the employer ended the temp assignment for absenteeism. Claimant did notify the employer he was unable to work on February 1 when Curries ended the assignment. The employer was unable to reach claimant by telephone but it made no further effort to contact him for work. Job disqualifying misconduct is not established.

DECISION:

The department decision dated March 11, 2013, reference 03, is modified with no effect. The claimant was not discharged for misconduct by the employer on February 1, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css