

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

QUANDA ANKUM

Claimant

APPEAL NO. 09A-UI-16826-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEDICAL STAFFING NETWORK INC

Employer

**Original Claim: 06/14/09
Claimant: Respondent (4)**

871 IAC 23.43(9) - Relief of Charges

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Medical Staffing Network, Inc. (employer) appealed an unemployment insurance decision dated October 27, 2009, reference 03, which held that its account would not be granted relief of charges. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 14, 2009. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which she could be contacted and, therefore, did not participate. The employer participated through Cheryl Percy, Branch Manager, and Jackie Wiegand, Employer Representative. Based on the evidence, the arguments of the party, 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 employer's account can be relieved of charges?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired as a temporary certified nursing assistant on January 26, 2008. She called in on a weekly basis for additional work. Her last day of work was August 4, 2009 and she was scheduled to work on August 8, 2009, but she cancelled. The claimant said she was at the hospital but never called the employer after that. The employer continued trying to reach the claimant until early September 2009 when the claimant's cellular service stopped taking messages. Continued work was available.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the employer's account may be relieved of charges. The judge concludes it should.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

The employer has established the claimant's separation was disqualifying and no benefits would be paid on an Iowa claim. Therefore, the employer's account may be relieved of charges under the provisions of the above Administrative Code section.

DECISION:

The unemployment insurance decision dated October 27, 2009, reference 03, is modified in favor of the appellant. The employer's account may be relieved of charges.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw