

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ROBERT L CLARK  
919 W 2<sup>ND</sup> ST  
WATERLOO IA 50701

LABOR READY MIDWEST INC  
ATTN PAYROLL TAX DEPT  
PO BOX 2910  
TACOMA WA 98401

LABOR READY  
C/O TALX UCM SERVICES  
PO BOX 283  
ST LOUIS MO 63166-0283

RICK BARTLETT  
BRANCH MANAGER  
1818 WILLISTON  
WATERLOO IA 50702

Appeal Number: 05A-UI-07265-H2T  
OC: 05-29-05 R: 03  
Claimant: Respondent (1R)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving  
871 IAC 24.26(22) – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 1, 2005, reference 05, decision that allowed benefits. After due notice was issued, a hearing was held on August 2, 2005. The claimant did participate. The employer did participate through Rick Bartlett, Branch Manager.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned by Labor Ready to work at Delta Industries for one day on May 20, 2005. The claimant completed the assignment as it was only for one day. Subsequent

assignments have been offered to the claimant but for various reasons he has not accepted additional work from Labor Ready.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not the result of a disqualifying reason.

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 24.26(22) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employees shall be considered to have voluntarily quit employment.

Inasmuch as the claimant completed the contract of hire with the employer, no disqualification is imposed.

#### DECISION:

The July 1, 2005, reference 05, decision is affirmed. The claimant's separation from employment with Labor Ready was for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible.

tkh/kjf

REMAND: The issue as to whether the claimant refused to accept suitable work delineated in the findings of fact is remanded for an initial review and determination.