

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATINIA L GOLDSTEIN
Claimant

APPEAL NO: 14A-UI-01256-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

OC: 01/05/14
Claimant: Respondent (1)

Iowa Code § 96.5(2)a – Discharge
Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's January 31, 2014 determination (reference 01) that held the claimant eligible to receive benefits as of January 5, 2014, because she was able to and available for work. The claimant participated at the February 25 hearing. Vicky Mathias and Martha Washington 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 eligible to receive benefits as of January 5, 2014.

ISSUE:

As of January 5, 2014, is the claimant eligible to receive benefits?

FINDINGS OF FACT:

Since July 2011 the claimant has accepted various assignments from the employer. The claimant most recently worked at a third-shift job at Omega Cabinets. The claimant's last day of work was September 3, 2013. Before September, Omega Cabinets had been sending the claimant and others home early because there was not enough work.

The morning of September 4, the claimant contacted the employer to report she was unable to work because she had a migraine. Later on September 4, the claimant notified the employer again to report she was unable to work the rest of the week because of health issues.

On September 9, the employer noted that the claimant called and told to Washington she had to quit because of issues involving her son. The claimant does not know who contacted the employer, but it was not the claimant. The claimant did not have any issues with her son in early September. The claimant did not call and tell the employer she had quit. The claimant understood that Washington had called her and told the claimant the job was over and she was no longer needed to report to work at Omega Cabinets.

After the claimant worked for the employer, but before she established a claim for benefits, during the week of January 5, 2014, she worked for Per Mar Security and earned more the

\$4,000.00 between October 1 and December 31, 2013. When the claimant established her claim for benefits she had no work restrictions, was looking for work and was able to and available for work.

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, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The claimant's testimony is credible. Washington believed the claimant talked to her on September 9 and quit. Since Omega Cabinet, the client, had been sending the claimant and others home early because of a lack of work and she was unable to work the September 4, 5, and 6, it is possible the employer told her this assignment had ended. The evidence indicates the claimant completed a job assignment or was laid off from work.

If the claimant had voluntarily quit her employment, she would still be eligible to receive benefits as of January 5, 2013, because she earned ten times her weekly benefit amount and requalified to receive benefits before she established her claim the week of January 5, 2014. 871 IAC 24.28(1).

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). While the claimant may not have been able to work the week ending September 7, 2013, as of January 5, 2014, the claimant is able to and available for work.

The record indicates the maximum amount the employer's account can be charged during the claimant's current benefit year is a total of \$62.29.

DECISION:

The representative's January 31, 2014 determination (reference 01) is affirmed. The claimant is eligible to receive benefits as of January 5, 2014, because the reasons for her employment separation do not disqualify her from receiving benefits. The claimant is able to and available for work as of January 5, 2014. The employer's account is subject to charge but the maximum amount the employer's account can be charged during the current benefit year is a total of \$62.29.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css