

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LEMONT W BURNETT**  
Claimant

**APPEAL NO. 11A-UI-16218-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL  
SERVICES**  
Employer

**OC: 11/06/11  
Claimant: Appellant (4)**

Section 96.4-3 – Availability for Work  
Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

LeMont W. Burnett filed a timely appeal from an unemployment insurance decision dated December 15, 2011, reference 02, that disqualified him for benefits upon a finding that he had voluntarily left employment with Aventure Staffing & Professional Services on November 3, 2011 without good cause attributable to the employer. After due notice was issued, a telephone hearing was held January 23, 2012 with Mr. Burnett participating. Human Resources Representative, Kayla Neuhalfen, participated for the employer. Exhibit One was admitted into evidence.

**ISSUES:**

Did the claimant voluntarily leave employment without good cause attributable to the employer?  
Was the claimant available for work from November 6 through November 26, 2011?

**FINDINGS OF FACT:**

LeMont W. Burnett was employed by Aventure Staffing & Professional Services on an assignment with Life Form Technologies. The assignment ended on November 4, 2011. Heide Hickey told him on that day that the assignment had ended. He told Ms. Hickey that he was not immediately available for an assignment because of his son's health. Ms. Hickey tried unsuccessfully to contact Mr. Burnett on November 8, 2011. On November 11, 2011, Mr. Burnett told Ms. Hickey that he needed to take some additional time off before returning to work. He began a new assignment for the company during the week of November 26, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The first question is whether Mr. Burnett should be disqualified for benefits pursuant to Iowa Code § 96.5-1-j for failing to contact the company within three working days after the end of his assignment in order to seek reassignment. The administrative law judge concludes from the evidence that Mr. Burnett spoke with Ms. Hickey on November 4, leading to her attempt to

contact him on the 8th. The administrative law judge concludes that there was sufficient contact that disqualification for benefits is not appropriate.

The fact remains that Mr. Burnett chose not to work during the three weeks ending with November 26, 2011. An individual who is not available for work, is not eligible for unemployment insurance benefits. The administrative law judge concludes that Mr. Burnett is not eligible to receive unemployment insurance benefits for the three weeks ending November 26, 2011.

**DECISION:**

The unemployment insurance decision dated December 15, 2011, reference 02, is modified in the claimant's favor. He is ineligible to receive unemployment insurance benefits for the three weeks ending November 26, 2011. He is entitled to receive unemployment insurance benefits thereafter, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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